

The Pendleton Plan Commission met on April 10, 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, Cheryl Ramey-Hunt, Brad Ballentine and Mike Romack. 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 Manager Tim McClintick, Town Attorney Alex Intermill and Planning Clerk Kate Edwards.

Others in attendance were Town Council President Jessica Smith and Town Council Member Chet Babb. All others in attendance are noted on an Attachment.

Rachel Christenson began the meeting by doing a quick review of all town staff so the audience and new Plan Commission members would know whom everyone was.

MINUTES

CAROL RAMEY-HUNT MOTIONED, SECONDED BY KYLE EICHHORN, THE APPROVAL OF THE FEBRUARY 13, 2019 AND MARCH 13, 2019 MEETING MINUTES. MOTION CARRIED.

OLD BUSINESS

A. Unified Development Ordinance Update

Rachel Christenson shared the updated Unified Development Ordinance (UDO) timeline advising the Steering Committee was confirmed on April 5th and the first Steering Committee Meeting is scheduled for April 30th. A list of members was provided along with their represented organizations. There will be four Steering Committee meetings and each will last approximately three hours.

B. Thoroughfare Plan Update

Christenson advised that the Town is going to hire Planning Workshop to do the street standards update, noting when they met with MCCOG they were advised that MCCOG was going to hire a sub-consultant to do the street standards updates. Planning felt it made more sense to keep working with Planning Workshop who will put together the street standards piece and MCCOG is putting together a contract and their final timeline for the thoroughfare plan piece. Each of those consultants will work together to give us our final products. The Town expects a contract finalized by May Plan Commission Meeting.

C. PC01092019-01 – Anita’s Kitchen New Location – 525 E State St –

Site Development Plan Review

Christenson reminded the Plan Commission that this Application had been tabled until the Town and Commission had more information. Google Drive presentation included Site Development Plan Application, Planned Business Zoning Map of the property, aerial view of the property, a survey of the property lines which was completed as part of the site development review application, several photos of the building and property and the

project scope overall is the conversion of a former auction house / car dealership to a sit down restaurant with approximately 203 seats. This is a complete gut and remodel of the east part of the building.

Timeline – March Plan Commission Meeting and since included:

- 3/13/19 Plan commission asks for revised site plan and tables petition
- 3/13/19 Planning Staff met with Stewarts to discuss 3/13/19 PC meeting and how to best move forward
- 3/21/19 Planning Staff received updated site plan from Keyes Architects
- 3/28/19 Planning Staff met with Stewarts to review site development plan items
- 3/29/19 With permission from Stewarts, Planning Staff emailed Keyes Architects With changes to be made on site plan
- 4/1/19 Planning Staff called Keyes Architects to follow up on email from 3/29. Keyes Architects said they would get information and updates back to Planning Staff as soon as possible.
- 4/5/19 Planning Staff received revised site plan from Keyes Architects
- 4/10/19 Planning Staff met with Stewarts to review staff recommendations to Plan Commission for the 7 pm meeting.

Christenson presented via Google Drive the revised site plan which included the dumpster had been moved, striping was added to the north and east to define where the road was and their property line starts. They worked together on taking out the drive directly in front and putting a sidewalk that would tie into the Town sidewalk network. The bike rack has been included. There have been some revisions to the parking lot to go with the moved entrance. Some landscape screening has been added to the NE side of the property that is a buffer between the Planning Business district and the Single Family Residential to the north. Christenson also presented the lighting plan provided by Keyes.

Staff Recommendation

APPROVAL WITH MODIFICATION, with the following commitments to be completed by the Petitioner:

- **Dumpster enclosure** must be finished to match the building and be 100% opaque.
- **Location of bike rack** shall be located in such a manner as to not encroach in the 5' accessible pathway to the front entrance.
- **The painted curb** shall be widened along Central Way to follow the property line. Petitioner to note that the Town of Pendleton shall remove the asphalt in this painted area and replace with seed or sod no sooner than one (1) year after the restaurant opens for business.
- **The asphalt in the Future Outdoor Event Area** must be removed and replaced with sod or seed. Remove the proposed rail fence.
- **The new entrance off State Street** shall be constructed to Town standards. The Petitioner shall allow the Town of Pendleton time to consult with a traffic engineer to ensure the entrance relocation is safe and at an appropriate location.
- **The west entrance off State Street** (closest to the railroad tracks) shall be removed and planted with seed or sod.

- **An updated parking lot lighting plan** must be submitted by Petitioner which shall be in compliance with the Zoning Ordinance and Planned Business Design Guidelines. She noted that three of the lights on the current plan are on Town Right of Way and not on the petitioner's property. The third light noted is in the location of the new sidewalk.
- **Exterior walls** must be inspected and deemed free of loose or crumbling block by a mason before a Certificate of Occupancy will be issued.
- **A letter from FCRWD** approving the change of use must be submitted to the Town prior to a building permit being issued.

Eichhorn asked about the label on the plans for a 4 foot high chain link fence with gates but it is not pointing to anything. Christenson advised that had been on the original plan and the Town has since asked them to remove that. Simply didn't get taken off the plan yet.

Anita Stewart addressed the commission. She reported that she and Lennie met with Rachel earlier that day and Rachel told them they also need to pay for the water to be brought to the building from the main and that they need to pay for the electricity and transformer, adding that if she pays for the transformer she assumes she gets to take it with her if they sell the building. She shared that they have no hard feelings with any of the Town staff. She understands staff is just doing their jobs. But when it is done inconsistently throughout the Town that becomes a problem. She stated, as an example, there have been new businesses that do not have bike racks. Other inconsistencies noticed, when there has been a change of use, include:

- a location changing from a restaurant to a retail store and they should have been required to put a curb in the back of their building to close off the majority of the entrance or the painting to separate the roadway from the parking lot
- the Art Society change to a retail store is a change of use and their curbs have not been updated
- a car lot to an auction is a change of use and there were never curbs installed then and it had a lot of traffic one day a week

Anita said they are just asking for an area for their employees to park at the east end of the building and for semis to get in there without blocking Central Way or State Street which would not be possible if there was curbing. Regarding the water and electric, she always thought the Town was to get water and power to the building and the building owner takes it from there. She went on to say that some businesses are required to get a Permit and others aren't. And, when discovered that a business has started construction with no Permit, that business should be required to obtain one. She shared there is construction going to very close to them and she believes it has a business already operating out of it with no Permit and no curbs that delineate the road from the property. She said she has been to the last two Plan Commission meetings and that business owner has never been here pleading their case. Another building in town is changing their use and started construction long before there was a Permit in their window and she will watch to see if they will put up curbs or stripes so as not to back up onto public road.

Regarding the lights, they are already there and they [Stewarts] are already paying monthly for them. She understands the Town is phasing that program out but stated there are several businesses in town with the same lighting and, although she did not know which were new since 1998, there is a chance that some should have been required to take them out.

Anita went on to state that communication would be helpful, stating that Lennie spoke with Tim McClintick about what they were thinking about doing and asked him what they need to know. They were told that was a great idea and there should be nothing that would hold them back. She felt he should have been told right then that they needed to meet with Planning staff.

Anita closed by saying they [Stewarts] are willing to table this for a couple of weeks while they think things through. She hoped everyone would think about the inconsistencies.

Intermill said it could be tabled and it currently is not under any time constraint. The Stewarts can consider what they met with staff about today and consider the recommendations and go from there.

Ramey-Hunt wanted to talk about the work being done in phases. Christenson said she thought there was still an opportunity for phases, but there are some elements of the plan that would have to be done immediately, but some could be done later such as the lighting plan. The driveway off of State Street would need to be completed before they open for business. So it depends on what the petitioners would like to do moving forward, but we can certainly put a game plan together. It would be whatever the Plan Commission would consider reasonable for the time frame, as the Plan Commission has done with some other business owners in town.

Schultz Heinz shared the importance of keeping Anita's Kitchen here in Pendleton. She asked who determines that there is not enough electrical and where it has to come in and why the need for the transformer. And also the same about the water.

Barger advised, regarding the water, they have not seen for sure where the proposed entrance to the building is going to be, but he did hear that it will have to be a 4" main to supply the sprinkler system. Schultz Heinz asked if they were being required to put in a sprinkler system. Barger advised that is per State guidelines, noting the Stewarts can petition the State to do away with that, but as of right now the State requires them to have a sprinkler system. Schultz Heinz asked about that process. Barger advised that Mr Keyes' group would submit a plan to the State and the State would sign off on it. Following that, the Town enforces that the system is put in properly. Schultz Heinz asked if the water line that will feed the kitchen and restrooms is a different line than what feeds the sprinkler system. Barger reported that Mr. Keyes advised Anita's Kitchen would need a 1.5" water line to satisfy their needs, separate from the 4" main. The supply line that is there right now is not a 1.5" line and not large enough to supply their needs. So they would be required to upgrade that line to fit their needs. That is always at the customer's expense and it has always been at the customer's expense.

Regarding the electrical, Barger advised Mr. Keyes advised they would require an 800 amp service at the building. What is currently there is not sufficient to feed that. Additionally, a requirement of the electric company now is to get that underground from a safety standpoint. Adding that purchasing transformers has always been the business or developer expense.

Schultz Heinz asked if the poles and the lights belong to the Town. Barger reported that the water company and electric company are not tax based businesses. Those businesses are here to supply a need and assist in different project. They are standalone businesses. The poles that are there are owned by the utility. From a business standpoint, it is expensive for staff to be called out to work on personal private lighting on a business. So years ago, the utility

started phasing out those lights and this has been consistent on every business change, as consistent as we can be. From our standpoint we have been as absolutely fair as we can be with that program. Schultz Heinz asked if Anita's takes down the old and puts up the new lights, they will own them and have no additional fee from the Town, like they are paying now. Barger said that was correct because the power used will come through their meter. Adding that when one goes out, it will be up to the business or property owner to replace it.

Eichhorn said it appeared the existing lights were on Town right of way. Barger said the front two are on Town right of way. Eichhorn asked if they could replace in the same place and get an encroachment permit. McClintick advised the utilities are a separate issue than what the Plan Commission governs. Christenson advised that the ones on the site plan are new proposed lights. They are not Town lights on the site plan.

Romack asked if the existing transformer is supplying anyone else in that area. Barger advised that nothing else is being fed from it. The new transformer will be their transformer and nothing else will feed from it.

Schultz Heinz told Christenson that she appreciates how hard everyone has been working together, noting that since the last meeting it seems that a lot of progress has been made and this Commission and the Town appreciate everyone trying to work together.

Ballentine asked what they need to do to keep the synergy between the Town and Anita's and what the next step is. Do we need to set a new meeting? Christenson said, what she thought would be reasonable, is to give Anita's their time to think about what their next steps are going to be and they, of course, can approach her at any time and set up a meeting time and how to move forward. Perhaps it will be coming to the next Plan Commission meeting or if they want to come earlier we can set up a special meeting with 48 hours advance public notice.

Lennie Stewart said the Town also needs to think about what they did for other businesses that haven't been through this board and that other businesses are working and here the Town is trying to give them the shaft. If the Town can build a two million dollar bridge across the interstate, he thinks the Town should give a little bit to hook up Anita's water and the power to their building and let Anita's take it from there. Also he wanted to complain about the lights on the Town property but the Town wants them to put the entryway in but it's on the Town property.

Anita Stewart advised that they were told by Barger and Hassett at an onsite meeting that the water supply going in was not adequate and it leaked. She understands they are asking for an upgrade, but if that water line was bad and was going to have to be replaced, why do they have to take on the entire cost.

TIM PRITCHARD MOTIONED TO TABLE THIS AT THE REQUEST OF THE PETITIONER. SECONDED BY CAROL HANNA.

NEW BUSINESS

A. PC03132019-01 – Westport Homes – 600 S & N Pendleton Ave – 81 acres Primary Plate

Hassett's Google Drive Presentation included a Primary Plat Application, Lot Comparison chart between Westport Homes Site, Single-Family and The Pines at Deerfield, 2018 Comprehensive Plan Update Land Use Map and the Timeline for Development.

Hassett advised they are presenting a Primary Plat for petition for Westport Homes. The proposed name of the subdivision is Carrick Glen and is located at the intersection of CR 600 S and Pendleton Avenue north of the Pines of Deerfield. It consists of 237 lots on 82 acres. Following the Plan Commission recommendation and the Town Council approval of a rezone to Single Family, the Town has worked with Westport and they have been very responsive.

Westport is asking for variances from Single Family ordinance, which has been done in the past often with subdivisions. The requested variances include Minimum Lot Size, Minimum Lot Width, Minimum Front Yard, Minimum Side Yard, Minimum Rear Yard, Maximum Lot Coverage and Maximum Density. Hassett added that Density is calculated by taking the total area of the land to be developed and dividing that by the number of units to be placed on the land. Although the Westport lots are smaller, they have a lot of common area, bringing their Density to 2.88 units per acre versus Pines' Density of 2.81. The Pine's have larger lots overall however they don't have common area. Hassett noted she previously had Pine's at 2.31 which was an error on her part, as she had included the three large lots at the end of Redwood Drive, which are actually not part of the subdivision.

Brian Tuohy introduced himself, Chris McKinny Vice-President of Westport Homes, and Gordon Kritz of Stoeppelwerth Engineers.

- ~82 Acre Site
- West of Pendleton Avenue and just North of Pines of Deerfield
- Pendleton's Comprehensive Plan calls for a PUD (mixed use development)
- They proposed a change of zoning from Agriculture to Single Family Residential which was approved in March.
- Following February Plan Commission, the March meeting with neighbors, and further discussion with Planning Staff:
 - the new proposal is for 237 homes (a 31 home reduction)
 - eliminating all of the smallest lots (50' x 115')
 - increasing the depth of the bordering properties to Pines of Deerfield so they are larger than the adjacent Pines properties by an average of 2000 square feet
 - amenity area is more centrally located, allowing people to walk or bicycle on an 8' path from southern end to a central playground to the pond and then east to access 600 path via a trail that connects two cul de sacs

- the same cul de sac trail provides connectivity to a Pendleton Avenue sidewalk which will connect south to an existing sidewalk.
- Revisions took their density from over 3 homes per acre to under 3 per acre
- Carrick Glen has quite a bit of common area, which has become a pretty consistent use for communities in newer developments. You create these drainage areas which become an amenity to the community. Those ponds, in addition to slowing the drainage from the farm field to the Pines, they create a terrific amenity which they think will attract buyers. Additionally, there are walking and biking areas on the pathway and play grounds, establishing a sense of neighborhood and community. The common area across the north will be about 40' wide.
- All common areas would be maintained by a mandatory Home Owners Association. When Westport records the plat, prior to starting construction, they will record Covenants, Conditions and Restrictions (CCR). The CCRs will run with the land, so as they sale a lot to an individual home owner it will say the deed is subject to the CCRs of Carrick Glen. Those CCRs will have a mandatory HOA fee and will include rules such as 2 trees on each lot that borders a neighboring property in the Pines and should those trees die they have to be replaced by the homeowner. Ponds will also be maintained by the HOA.
- Westport hires a company to manage the HOA until 80% of the homes are sold and the homeowners would they have the option of retaining that professional management company or engaging in the management of the HOA themselves.
- Westport will buy performance bonds from insurance companies that would guarantee, if something went wrong and Westport went out of business, the streets would get finished, the sewer would be finished, the infrastructure would be finished. The Town would be the beneficiary of the bond.
- They are also offering to fence the property line of the neighbors to the east if requested with a 3 or 4 board horse fence.
- There will be consistent entry monumentation at both entrances
- Tuohy's presentation included a picture of one of their playground areas. Ballentine voiced concern about how small the playground appears on the plat.
- Average sales price in the Pines is around \$201,000. Carrick Glen will be about \$35,000 to \$50,000 more on average.
- Traffic concerns. Tuohy advised that, without question, changing this property from a farm field to anything else will create more traffic. Less now with the 31 reduced number of homes.
- An audience member asked if the traffic study would be available for public view and Tuohy advised that he would be happy to make that available.
- Westport additionally agreed to the following commitments:
 - Limited to 237 lots
 - Lot sizes adjacent to the Pines to be a minimum of 80' wide 130' deep
 - Minimum of 2 conifer/spruce trees per adjacent lot to the Pines
 - The adjacent Pines folks with basements have the right to connect, at the homeowner expense, their basement sump pump into an east/west Westport drainage pipe

- Developer shall install an 8' wide asphalt path along Carrick Glen's frontage on W CR 600 S as approximately depicted on the Revised Proposed Concept Plan dated March 6, 2019
- Developer shall develop the improvements and lots comprising Carrick Glen substantially in accordance with the Revised Proposed Concept Plan dated March 6, 2019
- Fences along lake lots shall be limited to 4' tall
- Street trees shall be located behind the sidewalk
- The exact location of street trees shall be determined after the location of each driveway is determined
- The widening of driveways shall be prohibited in the Covenants, Conditions & Restrictions of the neighborhood
- Developer agrees to reduce the width of drainage and utility easements that border common areas
- Driveways shall be 21' wide at curb and a minimum of 16' wide up to the garage

Tuohy would respectfully suggest that this site is likely to be developed. It seems that it would be reasonable to be developed with a residential neighborhood that had homes that were as or more expensive than their next door neighbors and that it has an overall density very similar to their next door neighbors. We respectfully request your favorable consideration of our plat and thanked everyone for their time.

Hanna asked about their build out plan and how long it will take to get to 237. McKinny responded a three to five year build out. If the market slows they believe it would be the five year.

Schultz Heinz asked what the street width will be. Tuohy advised it is 30 feet from back of curb to back of curb.

Eichhorn asked if there had been any consideration to improve 600, advising it is only about 16 feet wide. Tuohy advised, at their entrance, they plan on putting in accel and decel lanes, so they hadn't been asked to improve any more than that on 600.

Eichhorn asked about maybe extending storm to the north side of 600 and advised there are areas on each side of the Harless residence that hold water and overtops the road pretty frequently. Kritz advised any drainage that comes onto the site will be collected through their storm system.

Eichhorn stated that for a development this size the fire department standards typically requires a loop and is the main on Pendleton Avenue sufficient. Barger advised it will be looped. Eichhorn mentioned that the cul de sac curve diameter is 70 and that seems tight for what he has seen for fire truck standards. Hassett advised a lot of the details regarding utilities and fire truck standards will be considered as part of the final/secondary plat process, adding that she did have Chief Moore take a look at the plat and he did not foresee a problem.

Eichhorn likes the staggered building lines, noting that some of them are 15 feet behind the right of way and he stated Fall Creek Regional has a minimum easement width of 20 feet. Hassett advised that is something that will need to be worked out with Fall Creek Regional Waste.

Romack asked if the variance was still in place to have a minimum of 5 feet between lot line and edge of the building. Tuohy advised the minimum would be 10 foot aggregate, 5 feet on each side, and yes it is.

Eichhorn asked about the noted maximum block length being 700 feet. It appears Mill Town Drive looks to be about 1000 feet. Any consideration to extending Kilmore Drive down to cut that. Hassett advised that this was looked at and that the common area that goes down the center of that block is what was installed to break up that block.

Ballentine asked how many acres of usable space dedicated to the children of the neighborhood does Westport normally provide with a 200 plus home development. McKinny reported that the amenities vary from community to community. He said it is not uncommon to put a playground feature that is a couple hundred feet. It can be linear. Often it will follow the back of a lot line. He would say 70% of their communities have a playground and 30% do not. They build in different markets. McKinny asked if Ballentine would like to see something particular done for this playground. Ballentine felt the size of the playground was small considering how small the lot sizes will be. McKinny shared that Staff had requested the playground be moved to the center of the community and also that the close proximity to Falls Park supported the size of this playground. He added that it could be made larger if requested.

Eichhorn believed the walk along 600 was at 8 feet, but labelled in several areas as 6 on the primary plat, so that might need to be corrected. Also suggested that maybe the path along the northeast corner is kind of going to the east but the primary use is going to be to the west so maybe flip the curve in that path. Tuohy understood what Eichhorn was saying.

Hassett advised that the second reading of the rezoning ordinance will be tomorrow at the town council meeting, so any approval made tonight would be contingent on Town Council approving that ordinance. Following that and an approval of the plat tonight, with modifications or commitments from the developer, then it will go on to a secondary or final plat and that is the document that gets recorded at the county. It is also the document that includes construction plans and utility details and roadways and could include details on the playground area. Westport has not applied for the secondary plat yet, waiting to see what the Plan Commission decides. So the earliest that secondary plat could be before the Plan Commission would be at the June meeting. Romack noted that it would come back to Plan Commission first. Hassett said that was correct.

Regarding the second reading, Romack recalled that the Town Council tabled this awaiting additional information. Intermill said he was correct, adding, typically ordinances have to have two readings by the Council, but because of the process that the rezone goes through and comes before the Plan Commission and the public hearing, if given a favorable recommendation, the council has that one reading and if they adopt your

recommendation then the ordinance stands. Technically they tabled it to allow for more time and they will take it back up tomorrow night at the Town Council. Christenson added the Town Council wanted to give the public time to reach out to them.

Eichhorn asked, if the primary plat is approved tonight, is the Plan Commission obligated to honor the setbacks or is the Plan Commission able to be more restrictive in the secondary phase. Intermill advised if the commitments that were presented are approved tonight for recommendation, those would need to be implemented on the primary plat. But then the record plat, anything that was inconsistent that you have talked about, such as the utilities, those would all be ironed out and on the final plat that was recorded and put into place.

Hanna asked how big of a change would bring it back to the Plan Commission. Intermill said if it is a material change then it would possibly come back to the Plan Commission, but most of the time you will not see that. If it will materially change the way that you have seen this and presented it and you are contemplating voting on the primary plat this evening, the record plat should look remarkably similar to what you are seeing here, with added details such as utilities and more specific locations of things. If it deviates by much, it should come back to the Plan Commission.

Pritchard then asked for public comments.

- Jennifer Sisson, a resident of the Pines, thanked Westport for the community stakeholder meeting. She referenced the bullet list she had prepared and asked that the Plan Commission receive a copy of. She noted that the Town has put a great deal of consideration into the historic borders of the Town but our Town is bigger than that now. The periphery of the Town could become disjointed unless we start making these decisions now. There will always be builders wanting to come, so the Town is not in a position that we are begging for people. Her concerns included
 - Lot sizes. Sisson reporting they want three homes per acre, once the 18 acres is removed from the calculation.
 - Drainage and Retention.
 - Natural Landscape Barrier of lots adjacent to the Pines. Westport promised trees. The Pines residents want specific conifers of specific sizes.
 - HOA. They ask that the development maintain the professional HOA and not to turn it over to the property owners.
 - Impact fees. Sisson asking the Town, the Plan Commission and Town Council to think about the impact. More people. More cost. Growth does not pay for growth. Suggesting that each lot sold receives a one-time impact fee. Money to put back for future need for police, fire, road repair.
 - Setting standards for aesthetics. Liked the staggering of home placements. Asked how many on the same street would be allowed to have the same floor plan. Would the facades be different from the adjacent homes. The Town should consider establishing standards for these types of things based on where the Town wants to move forward with growth.

- Special Variances. We really need to think about why we are making concessions to the established ordinances for one group and perhaps not before.
 - Sisson closed by indicating that everyone is free to contact her at the provided contact information.
- Julie Schnepf addressed the Commission regarding the driveways and asked Planning Staff for clarification. Hassett advised it would be 21' flared at the road entrance, then narrow to 16', and if a three car garage it would curve back out. Schnepf's concern is that the narrowing of the driveways will allow for fewer cars parking on driveways promoting more street parking. Stated Summerlake has parking congestion. She then asked Westport what their walk away number was. Pertaining to density. At what point does this project not make sense for Westport any longer. Tuohy shared that having reduced 31 lots the project still works for them and they feel the density of 2.8 is reasonable. He added they can remove one lot or two to address the size of the playground if asked. In answer to Schnepf's question Tuohy answered 230 to 235. Tuohy said they really need 237 lots to make this work, but they are willing to make the playground bigger by the elimination of one lot, maybe two, if requested. Schnepf also asked if all of the ponds and drainage was necessary and Tuohy advised they were.
- Tuohy advised that Westport offered to contribute to cleaning up the pond at the Pines.
- Cheryl Taulman stated there have been some inconsistencies such as it started out as 3 trees per lot and now that's down to 2, so they would like to get some of those things firmed up and in writing. She shared Pendleton is in a prime location, the convenience of Pendleton's location and what the community has to offer. She shared a moment of reflection, something she read in the Town of Pendleton Comprehensive Master Plan, in hopes that it resonates with the Commission and the Council and the town residents. The purpose is to help guide the Town thru a time of growth and change so that the Town's core values, character and charm remain intact. The Plan states that we promise to never sell our soul or turn our backs on our heritage simply to attract new business or expand our tax base. We promise that small town charm and bold modern thinking can come together in a way that feels completely natural. The few goals within the plan include the Pendleton's historic town atmosphere will be maintained and enhanced. Pendleton will provide a seamless balance, safe, efficient and well connected circulation system that supports alternative transportation and easily connects to the regional transport network. She added that everyone knows that the congestion downtown will get much worse especially during peak times. The safety of getting on and off of SR 67 at Pendleton Avenue with 200 to 500 more vehicles potentially using that path will worsen. The Plan also states a wide range of housing and neighborhoods appropriate for Pendleton's small town atmosphere will provide living opportunity for a diverse group of residents. Pendleton will maintain and promote opportunities for collaboration and active citizen participation in local interjurisdictional decision making through open and deliberate process of input and cooperation. She stated this public meeting was a good example of that and noted it was appreciated. The Plan also states Pendleton will provide public services, infrastructure, community facilities and opportunities to support and

enhance its resident's quality of life. She is asking the TC to reflect on that master plan and what approving this development might mean to the start of more developments within our community and to take a look at those objectives and have we achieved some of those short term objectives that were listed to be achieved within the first year. If they have been achieved, she could not find them published. So challenging back to the Town, this commission and the Town Council to look at how we are following that master plan and serving our citizens.

Eichhorn asked if there was a time limit to act on this. Intermill advised there is no time limit on the plat.

- Bill Mort voiced concern about drainage and asked Westport if they were going to take that to the Rosa Frye ditch or if they were going to put a new ditch down Fall Creek, adding that Rosa Frye is overdone already. Kritz advised that there is some north of the wetland that will be coming onto the Westport property and collecting into their system, ultimately out-letting into a pipe that is on the southwest corner of the larger pond. That water will be retained to a release rate that will really slow down the amount of water going into the dry basin that is overgrown right now. Just by restricting the water and decreasing the time it takes to get to that dry basin that will help the drainage. If there are any clogs in the pipes along the way, that will have to be looked at. As far as any broken tiles that might be on the adjacent property, that is not something we can take care of unless that water comes onto us. They can only take care of surface water. If there are any tiles that come onto the property, Westport will intercept those tiles and take it into the storm sewer system. The development drainage is going to come in through swales and pipes and is going to take it to the center pond to the north and that center pond drains to the larger pond and that larger pond will then drain to the existing pipe. Kritz added that the drainage system will have to get approved by both county and local government. McClintick advised that he did not believe any of that went into Rosa Frye, it goes down behind the cemetery and he believed it's called the Pendleton drain. He stated the drainage plan will go through county approval and town approval.
- Mort also asked if Westport was going to widen 600 and will there be decorated curbs, voicing that there is a lot of farming equipment and semi traffic on 600 and decorated curbs don't work well when that equipment needs to get out of the way of traffic. Mort also asked if 600 and 400 are still considered county roads. Christenson advised they are Town roads. Mort said when they were annexed in, their taxes increased 28% and he is asking that their roads don't get squeezed in to make them look pretty.
- Mort also shared that in all of his years driving a school bus he spent a lot of time standing still at the railroad track.
- Eichhorn asked if they could get a written commitment to repair and fix any broken tiles. Christenson asked from whom. Eichhorn stated as a condition. Intermill advised that would depend on who has jurisdiction over the drain. Eichhorn said the tiles Bill was speaking of are not regulated. Kritz said any tile that comes onto the property they will intercept. If it is a tile that is no longer in use, it would be capped off. But if still in use, they have to accept it into their system.
- Alice McCrocklin asked what the next step is regarding traffic. What assessment has been done. How far did the study go. What is the next step for the Town. Christenson stated that some of the traffic can't be addressed necessarily with what we can do with Westport Homes. That is one of the reasons the Town is updating that Thoroughfare

Plan. Once that is done over the next year, that will tell us where new terrain facilities, ie: new roads, need to go so that all of the issue we are discussing tonight, which are already issued, not just because Westport Homes might be coming in, can be addressed. So when we have developments coming in, we have a game plan. Unfortunately the Town is a little behind the ball on the Westport Home project. Christenson added that there currently is a thoroughfare plan that was passed in 2006 and it just needs to be updated. McCrocklin asked, before everyone buys in on the Westport project, can we at least that agree that we will look at 600 before we buy off on the development. A commitment to bring that need forward and have it looked at and discussed before we sign off on Westport. Perhaps it is an acknowledgement that yes there is a problem and it will be addressed, maybe that is all the commitment we need from this board. Christenson stated the petitioner did do the traffic study that did include 600. The thoroughfare plan looks at a bigger scope than 600, so if there is additional work that the Plan Commission would like to see in terms of 600, she thinks that is reasonable to ask on what kind of information you would like to see in addition to what has already been provided. Eichhorn believes the traffic is just half of it, adding the condition and size of the facility are a major concern as well. Planning staff agreed with that also. Eichhorn adding that the leverage will be gone after this point. Pritchard added that the amount of construction traffic should be considered as well. This might take care of itself because the Town is probably going to have to come back in and resurface that road and or widen it at some point during construction. Kritz reminded that there will be an accel decel lane. Adding they have the room on their property to inset the accel decel lane and install a left turn lane into our community. That would be in the final stage of construction and, by that time, the town may have already addressed it. However, Westport is prepared to make that commitment.

- Earl Wallace began by saying he wants to see Pendleton grow. His only concern is, as a Plan Commission, he admonishes them to think carefully before you pass this. He stated if the Town is going to set limits on how many units can be built on an acre, stick to it. He doesn't want to see another development like down in Ingalls.
- Dave Butler referenced Summerlake and the difficulty in maneuvering around. One house caught fire and burned down and it took three other houses with it and damaged a fourth. Drive a firetruck through that. Drive a police car or ambulance through that. He isn't against growth or development but not 3 homes per acre which isn't safe for the kids. Think about our community as a whole.
- Darold Kessler moved here five years ago after looking at houses in Fishers and Noblesville and what they could afford were developments like this. Lessons learned should tell us you cannot have 27' wide streets unless you restrict parking on the streets. Even in the Pines there are times you can hardly get through because of street parking. He believes decent subdivisions have 40' wide streets.
- Eichhorn indicated the INDOT Design Manual indicates 40' wide streets with parking on both sides.
- Frank Magaletti lives on N Pendleton Ave and shared that it has become a major road getting a lot of traffic currently. Progress is inevitable, but he has seen towns try to grow too fast. Proposed Carrick Glen is somewhat of a town all by itself. The build out has changed from 7 years to 3-5 years. A lot of additional traffic. A lot of large equipment. The numbers alone indicate that it will add to the current traffic problem. This is a lot of progress really fast. Once approved you can't turn back. He is asking the Plan Commission for consideration of the future of the town. Traffic being his primary issue,

he is asking if there is going to be something more than a stop sign at 600 and N Pendleton Avenue. There is a train almost every 45 minutes. Sometimes holding up traffic for up to 10 minutes which would back up traffic greatly. They moved from Noblesville where during peak times of day you might as well park your car and walk home. The quality of life that is in a lovely small town is no longer. Please think of the future.

- Ann Gardner and her husband moved here 11 years ago. Drainage, traffic and the number of homes are their concerns. She feels Westport is strong arming Pendleton by holding to the 237 number. It is a lot of homes. The community is great. It's quaint. She asked the Plan Commission to keep their values. She thanked the Plan Commission for their service.
- Josh Ring thanked the Plan Commission and thanked the Planning Staff for all of their hard work which goes unnoticed a lot of time. Pendleton is a very special place. We all see how fast properties move. He believes there is a demand for higher priced homes simply because of all of the custom home neighborhoods surrounding Pendleton that are almost full. Then you have the custom homes currently being built on the outskirts of town. He would like to see the Town wait or somehow be able to market the land to developers. We shouldn't be in a rush to move. We have standards in place for a reason and we don't want to deviate from those standards. Please don't be in a rush. Growth is going to happen. Thank about the future.
- Noelle Rigaud knows the schools have said they have room for growth but we have Summerlake community and then there are a bunch of other developments going up near there and she doesn't know if those have been accounted for. Pritchard shared that Joe Buck, in a previous meeting, said the schools were at about 70% capacity. The schools are aware of the developments out there which are roughly 1200 homes, 400 + 400 + 400. Adding if or when Westport is approved, the school is aware of that one also. The school is always looking ahead and has the capacity for the growth. Rigaud also asked about the traffic impact study which seemed vague. As a reference, her home is 1700 SQFT, two adults, three teenagers, four active cars, kid's friends driving to the property in and out, and on over an acre of land. If they multiplied that by four homes on that acre, that could be near twenty cars every day. Adding a whole new development at 237 homes could be 600 extra cars in that very tight area. There is a park entrance that will also be effected along with the cross walk there. Along with the proposed bike path. Also a train that comes through all hours day and night that stops traffic.
- Frank Magaletti also asked how the Town itself is going to support all of these new residences. Parking in town is already an issue.
- Kyle Jarris stated given 18 acres of common area, which is a great thing, adding that Westport has done a stand up job listening to the concerns, but it leaves the homes at a density of 3.7 homes per acre. Traffic issues already exist. There is nothing to say that we can't wait on moving forward until we get some of these things sorted out.

Tuohy wanted to address the neighbor's concerns in reverse order. As to how the Town will support the influx of people, he suspects the Town wants to add new people. It won't be 237 families all at one time, it will graduate over 3 to 5 years. Regarding the change of time frame, that is a reflection of reducing the number of homes as requested. One resident felt the Town was being strong armed. If that feeling has been conveyed it was not intended. Westport has meet with all of our neighbors, we have tried to address their questions, we have reduced the number of homes significantly from where we started and we have certainly thought long and

hard with how this will match up with the existing neighbors to the south. We changed our bordering lots sizes to satisfy those concerns. As for the school overcrowding question, he felt that was clear at our first or second meeting that the school could well handle over the time period the number of families that would be added.

Tuohy said that Carrick Glen would never turn into a Summerlake. Summerlake is 880 lots. They have a calculated density of almost 4.5 homes per acre. Carrick Glen is 2.8. Their smallest lot size is 45' wide and 5000 square feet. Carrick Glen lot sizes and streets are bigger. Their home sizes start at 1000 square feet and two story sizes start at 1200 square feet and they have single car garages. Carrick Glen is nothing like Summerlake.

Tuohy advised the traffic study was done by A&F Engineering, adding there may be other traffic engineers in central Indiana that are as well know, but Tuohy isn't aware of one. The traffic study looked at alternative uses. It looked at a school use and it looked at a mixed use development use. It concluded that the traffic generated by the proposed Carrick Glen will not have a negative significant impact on the adjacent road network and study intersections. It looked at it from three different aspects. Mixed use, which is what the comprehensive plan slates that site for, or an elementary school or a middle school. It concluded that a mixed use development there would be about 125% more trips than what would be generated by Carrick Glen. For the schools, it said in the morning school would be much higher and in the afternoon Carrick Glen would be higher. His point being that this site, more than likely, will not remain a farm field for very long. The property has been for sale for awhile. No one has rushed into this. This is a responsible developer with financial wherewithal to do it in a good manner.

Tuohy added that they would add a commitment to put in a left turn lane on 600. Effectively widening the road in the area where people would be turning in and turning out. There would be a decel lane from West to East and accel lane as you go East and then the West bound traffic would have a turn lane, so West bound traffic could go around those turning into the neighborhood.

Regarding drainage, Tuohy stated that the site has poor drainage and the neighbors to the south have poor drainage. Water is currently coming off the farm field without any restriction to the flow, and it ends up in the Pines. The ponds of Carrick Glen would greatly reduce the volume of water that would shed onto their southern neighbors. There is a significant benefit to a development of this type which will retain its water and then measure it out in a very controlled fashion.

Tuohy stated that the density calculation was not a notion of theirs. The Town's zoning ordinance defines density as a unit of measurement, the number of dwelling units per acre of land to be developed including the public rights-of-way. Adding that is almost how every community in central Indiana measures density. Using the Town's definition, Carrick Glen and the Pines are both 2.8.

Regarding the number of trees per lot, Tuohy noted that one neighbor said it was previously three and now it was down to two. Tuohy admits that he could have said three trees, but referred back to his March presentation that stated two. He added that tonight he would make the commitment to having three trees per bordering lot, with a minimum of 6 feet tall, and their

preference would be to use Blue Spruce or Norway Pine. He went on to say that if the neighbors wish to suggest a different tree, they would be fine with that.

Regarding the playground, after discussing it with Chris and Gordon, Tuohy said they would leave the playground where it is, and would remove a lot he pointed to on the plan, dropping the number of homes down to 236, and create another playground that would be equipped similarly to the other. So Tuohy committed to a one acre play area.

Tuohy also said they will agree to have the professional management company manage the HOA until they turn it over to our residents, but they would not want to impose upon people that buy quarter million dollar homes that they are not responsible enough or capable enough to manage their community.

Tuohy closed by stating this is an enormous investment by Westport. It will represent a change, but in the scheme of things, with the commitments made and the reduction in lots, putting another 236 homes next to a long existing subdivision and the cost of those homes averaging \$50,000 more, they don't believe that will have a negative effect. They believe that eventually it will be seen as a good neighbor and a benefit to the town, and they would respectfully request the approval of the Plan Commission.

Ramey-Hunt asked if there was any possibility of having wider roads in the neighborhood. Tuohy said they could look at that, but the Town's ordinance calls for 30 feet. What they might suggest is putting in the covenants that there would only be parking on one side of the street.

Intermill stated that the Plan Commission speaks through the minutes and that the commitments and representations and comments are on record. Those will be in the minutes that will ultimately be approved. So one avenue is to make a general motion, if so inclined, to take action based on and subject to the commitments that have been presented and represented through testimony. If you are not comfortable with that, you can table the action tonight. It has to be done at a public meeting. Then you come back for further consideration, once the meeting minutes were prepared. The commitments are considered documented in the minutes. Intermill was not concerned legally that if they made a broad motion to capture the commitments provided through testimony, those will accurately be reflected in the primary plat.

Hanna shared that there has been a lot of information and new information presented tonight and it is a lot to sort through. Intermill again stated that it can be tables so the Plan Commission can take the time to absorb and consider.

Ramey-Hunt asked for a review of the variances. Hassett advised that Carrick Glen has requested variances from many of the standards including Lot Size, Width, Set Backs, Density and Lot Coverage, adding that this is not a practice that is rare in Pendleton. The Pines requested variances, the Falls on 132 requested variances, this is something that has happened over time. The single family lot size, in her opinion, is probably viewed as pretty large for awhile now. That is one reason they are also looking at updating the zoning district as part of the UDO update. Hassett did want to point out that, once again, staff encouraged Westport to approach this as a subdivision with variances, instead of a PUD, because of the somewhat small size of the property [for a PUD] and it was one single use across it, they thought it would be less cumbersome, in regulating this in the future, to look at it as a subdivision plat with variances.

Christenson added that going through the PUD process would have been much more lengthy than doing a variance on our zoning district requirements. Hassett stated when the PUD requires more uses, more unusual uses of land, more unusual placement of buildings, the plat they were proposing supported going with the more traditional route, which is why Planning encouraged a plat with variances versus a PUD.

Romack stated that there has been a lot of new information tonight and it is a lot for them to take in. We want growth but we don't want it next door. We know that this town is going to grow. We can't just stop it. It is here. But we are trying to do everything we can. Our staff is. These committees are. To control that growth and make sure that we still maintain that small town feel. There are only so many acres out there around us that are inside of the town limits and we don't get a chance to control those three housing additions going up down the road from us about their lot sizes, their streets, where they go to school. This is an opportunity within our Town at least to control that. We are not talking \$120,000 homes, we are talking about \$250,000 homes. A lot of the things residents said tonight made him think more about this addition, but it is going to happen. If we table it tonight, the next meeting we come up with, Romack thinks we will get a lot of those questions answered in our own minds and we will have to make a decision then. He knows it delays Westport 30 days from getting going. The drainage issue is an issue but it sounds to me that they will improve the drainage problems of the Pines.

MIKE ROMACK MOTIONED, SECONDED BY CAROL HANNA, TO TABLE PC03132019-01 UNTIL THE MAY 2019 MEETING OF THE PLAN COMMISSION. MOTION CARRIED.

Pritchard stated he felt they moved forward tonight. Stated that Westport bent over backwards with what they have committed to and he believes they are welcome in Pendleton.

Intermill said, between now and the next meeting, we can work together to get a detailed list of commitments so we know exactly what is being voted on. Pritchard said the public would be able to see it documented and might be more comfortable and will probably end up with much better neighbors.

Christenson stated that Planning Staff will get the documents posted on the website so neighbors can view them.

Next regular Plan Commission meeting is scheduled for May 8 2019.

Meeting adjourned at 10:05pm.

Kate Edwards
Planning Clerk Town of Pendleton