

The Pendleton Plan Commission met on May 8, 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, and Brad Ballentine. A quorum was established.

Representing the Town were Planning and Zoning Administrator Kayla Hassett, Assistant Planning Director Rachel Christenson, Town Manager Tim McClintick, Town Attorney Alex Intermill and Planning Clerk Kate Edwards.

Others in attendance were 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 HANNA MOTIONED, SECONDED BY BRAD BALLENTINE, THE APPROVAL OF THE APRIL 10, 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 had the first Steering Committee Meeting on April 30<sup>th</sup>. The UDO Steering Committee was given some homework due May 13<sup>th</sup>.

### **B. Thoroughfare Plan Update**

Christenson advised the Town did get a contract signed with Madison County Council of Governments (MCCOG). They want to get started the week of May 20<sup>th</sup>. Legal has reviewed the contract and we are good to go.

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

Pritchard reported that the petitioner has asked to be taken off of tonight’s agenda. Christenson advised the petitioner called about 4:30 today asking their petition not be heard tonight, but want to be left on for possibly the June PC meeting and suggested that this be tabled tonight.

**TIM PRITCHARD MOTIONED TO TABLE PC01092019-01 UNTIL JUNE MEETING. SECONDED BY CONNIE SHULTZ HEINZ.**

### **D. PC03132019-01 – Westport Homes – 600 S & N Pendleton Ave (81 acres) – Primary Plat**

Hassett introduced Brian Tuohy, Chris McKinney and Gordon Kritz representing Westport Homes. Tuohy reviewed the Westport Homes presentation and changes agreed to since last meeting:

- Started at 268 homes and have agreed now to only 236
- Added a second common area bringing the common area to 18 ¾ acres. Staff suggesting perhaps a shelter common area and a playground common area. Westport is fine with whatever is decided.
- Planning Staff and PC were concerned about access from the North, so the updated plat includes a left turn lane on 600.
- On the North side of the northern lots, there is now an 8 foot path
- A couple thousand feet of walking paths, plus sidewalks on both sides of the streets
- Additional common area located on the NW corner, providing a buffer
- Picture was provided of a sample three-board horse fence they will place around the large pond, as requested by neighboring property owner
- Previously agreed to widen lots adjacent to neighboring properties to the South so they are equal if not larger than the neighboring properties
- Development Standards summarize density at 2.8 homes per acre (previously 3.3), lot sizes range from just under 7000 SQFT to over 20000 SQFT. Lot width range from 60 feet to approximately 83 feet. Home sizes range from 1,400 SQFT to 3,000 to 3,500 SQFT.
- Diagrams of different home designs on the different lots sizes were presented
- The presentation included the traffic study, which was done before the reduction in number of homes
- Tuohy then presented their Proposed Commitments sheet listing 24 items, available on Google Drive Westport presentation, which included their new commitment to no vinyl siding, as requested by the Planning Staff late yesterday, which changes what is noted under item 21 and 22. Also as of late yesterday, Staff asked for a 5.5" trim width commitment on non-masonry windows and doors. Staff also asked for side-load garages on corner lots, indicated they currently don't have a product with side-load but they are working on one and, before moving on to the secondary plat they will work with Planning to agree on which corner lots will have the side-load garages.

Hanna asked about the rationale for the side-load garages. This prompted Hassett's suggestion that she go ahead and present the Staff Recommendation.

Hassett indicated that subdivisions that have greater variety, including side-load garages, looked nicer than approaching a subdivision home on a corner lot that you could just see the bare side of the house. Side loading garages break up the neighborhood and provide more visual interest. Staff also felt a trim width commitment of 5.5 inches would make side and rears more interesting.

Eichhorn asked about the zoning 30% maximum lot coverage. Hassett reviewed the Lot Comparison chart indicating Westport's request was for 60%. Eichhorn shared he could not find any developments that allowed more than 50%.

Ballentine asked how many different house plans Westport will offer and would each plan fit on all sized lots. McKinney indicated they have access to many plans, but in this marketplace there are fifteen that they build quite a few of and, yes, any of those homes

can be built here. Their largest plan and the smallest lot were used to establish the 60% lot coverage. That home on that lot would have the 5 foot setback on each side, giving a 10 foot separation between houses.

Eichhorn asked if they were allowing fences and drainage in utility easements. McKinney indicated that one rule for all municipalities is they cannot allow fencing in any easement.

Ballentine asked if out buildings would be allowed. McKinney advised they would not be allowed.

Eichhorn asked if the horse fence would be on the HOA property for all future maintenance. He was advised it would. He also indicated none of the plans shown tonight offered the garage behind the porch, asking if they had plans where the front porch was more prominent with a back set garage.

Eichhorn stated he reviewed the traffic study and Pendleton Avenue was more than 600, but we are not doing a turn lane on Pendleton Avenue. Tuohy shared that there was not room on Pendleton Avenue. Eichhorn suggested they could shift it onto their side. Tuohy again said he did not believe they had the room.

Hassett shared that two playgrounds had been discussed at the last meeting, however, Planning felt it might be best to require one playground but leave the other amenity area up to Westport as far as what their residents generally want, such as a shelter house or an all ages amenity space.

Schultz Heinz wanted to review Westport presentation page 33 items 3 and 7. Regarding No. 3 she would propose that to be upon opening of the development. Assuming construction traffic will be coming off of 600, suggesting accel decel lanes be done prior to opening. Eichhorn noted that entrance is not in section 1, so maybe construct it when that entrance is actually connected to the road. McKinney stated, if it pleased the Council, they could make both entrances in section 1 if desired. On No. 7, Schultz Heinz sees the 30 foot road widths as a problem. Parking only on one side now. Assuming that is the non-mailbox side, which doesn't make it fun for the people that live on that side of the street. She would like to see the 30 feet expanded. Back of curb to back of curb. Hassett shared that Pendle Pointe and Deer Field both had 30 foot roadways.

Eichhorn asked if there was any way to make the aggregate setback 15 feet, since that seems to be more common now. Tuohy respectfully stated they would prefer not to do that. McKinney stated something about the non-monotony but his statement was not audible.

Schultz Heinz asked for clarification about the non-monotony. McKinney advised that each plan has multiple elevations. There could be two Grandovers side by side with different elevations. There could be two Heydens directly across the street but they must have separate elevations so they don't look the same.

Hassett restated the last minute commitments included:

- No vinyl siding
- No masonry commitment
- 5.5" trim on all sides when not surrounded by masonry
- 18' wide drive
- Side-load garages on certain corner lots
- Three different garage doors available
- Addition of a second amenity area, which could be an all ages feel

After Schultz Heinz asked for clarification, McKinney showed on the plat plan what they are thinking for the first phase. As they move on to the next section/phase, any amenity in that section would get built.

Eichhorn stated that when construction is finished, the roads will be in worse condition than they are now, and is there any way Westport can make a commitment to pay into a fund to repair the roads. Tuohy said this will be bringing in a lot of tax payers. Eichhorn said in Settlement West they agreed to road improvements over there. McKinney said Settlement West was an outside developer. Westport was not the developer. McKinney added that the roads they propose to build, the design criteria, meet and exceed so it can carry the traffic and is designed for that load. When you don't put the surface on you ask for road failures. It would be up to the Town, but Westport could put the surface on last, but it could cause more road failures.

Ballentine asked if Westport has the ability to decrease the density, expand the lot sizes and provide the additional spacing with this development. McKinney advised they are at their maximum financial contribution on this project. Schultz Heinz assumed with that statement that they are still in negotiation with the School District. McKinney advised they are set to close May 20th. Negotiation is complete and price is set.

Preparing for public input, Pritchard requested that all comments be specific to only the noted changes since last meeting, so as not to repeat the topics discussed in previous meetings.

- Earl Wallace asked, with 4 or 5 foot setbacks on the sides, how a firetruck can get between these houses when needed.
- Noelle Rigaud said she would not rehash the huge concern of traffic, but indicated the traffic studies don't indicate much, being done in the winter time they are not relevant to pedestrian traffic in summer. The current zoning for a single family home calls for 14,000 SQFT lots and these being half of that increase the traffic substantially. She referenced the Unified Development Code and read aloud the purpose of a Variance. Section 154 08 05 states Finding of Facts for Variances was also read aloud. She concluded, based on these requirements, this variance is deemed inappropriate.

Hassett agreed with Rigaud's reading of the Ordinance and the Variances, however, she wanted to point out that, in this particular case, staff did encourage Westport apply for a Subdivision plat with Variances, rather than a Planned Unit Development. As mentioned earlier, had they gone with a PUD, it would require its own mini-ordinance which would be difficult for staff to regulate. She went on to state that these types of variances are based on the plat rather than a large book with an assortment of other sorts of requirements. She added that all permits

will go through an HOA and that would catch the smaller sorts of regulations like fence heights, sheds and things of that nature. She added that all of the built environment regulations would be caught in the plot plan phase when they apply for the building permit.

Eichhorn indicated that KK (KK Gerhart-Fritz with The Planning Workshop) had suggested a minimum lot size of 7200, which seems to be a common minimum and is the minimum also for our Historic Residential.

- Joe Noel asked what Westport definition of 'completion' is. He also asked if there would be vinyl anywhere such as soffits. He was advised that there would be no vinyl.
- Chris Taulman thanked Westport for all of the commitments they put through for this project. He then addressed the board and asked them to think about the variances being put forth, stating this will set precedence on developments moving forward.
- Tuohy reminded that the Westport lot sizes are very similar to the Pines of Deerfield, which has been a very successful development.
- Rigaud stated the lot size comparison to the Pines of Deerfield are not relevant because the Pines development was built before our current Unified Development Code. She repeated that the purpose of the Town's regulations was to protect and promote the public health, safety and general welfare of the Pendleton residents.
- Joe Noel added there are 81 acres total. 236 lots. That is .343 lots per acre. But minus the common area its 62 acres.
- Hassett restated the standard calculation for determining density, adding this is what the bulk matrix minimum is based on and what all of the calculations should be based on.

Carol Hanna voiced that she has lived in this community for forty years and she loves Pendleton. She has seen a lot of changes in Pendleton over the years. She takes this decision very very seriously. She has been impressed with the ability of our neighbors to work with this company to develop some compromises with the Planning Department and the hours and hours of discussion and listening to all of the concerns. She feels that this falls in line with our goals for the community when we have looked at plans. We have talked about development in this area being appropriate.

**CAROL HANNA MOTIONED, SECONDED BY CHERYL RAMEY-HUNT, APPROVAL PC03132019-01 WITH ALL STATED CONDITIONS. VOTE WAS 3 TO 3. THE MOTION DID NOT PASS AND NO ACTION TAKEN.**

Intermill advised that the motioned doesn't pass and no action taken. Adding PC can have further discussion and they can make another motion if there are additional conditions.

Eichhorn added an additional comment that other communities in this price range that Westport has done have had the 7200 SQFT minimum lots. His comment is for Westport to bump up the minimum lot size to 7200 SQFT and have a maximum coverage of 50%, indicating that he felt that was reasonable. Pritchard asked Kritz how many homes that would take away and Kritz said he could not quantify that immediately. Eichhorn calculated it might be the loss of three lots. Tuohy stated they would be able to agree to 7000 minimum SQFT and a density of 50%, and they would need to be careful about what house they put on certain lots.

Ballentine stated, in addition to traffic concerns, the overall density of this project, regardless of the official calculation methodology for density, does not fit into the overall character of the community and the high density is the major stumbling block for him.

McKinney asked for a moment so Westport could discuss. Pritchard called a five minute break.

Pritchard called the meeting back to order.

Tuohy thanked the commission for reconsidering this and Westport would suggest and commit that instead of a 6900 SQFT minimum lot they will have a 7200 SQFT minimum lot size and instead of a maximum coverage of 60% they would commit to a maximum coverage of 50%. They will add that to their commitments. They will resubmit that plat to Planning with those minimums included. They asked if the Commission would reconsider based on these commitments.

Hassett advised that with these changes it brings Westport into compliance with the Historic Residential zoning requirements, which are for 7200 SQFT minimum lot size and 50% density. So they are now comparable with one of our existing zoning districts.

Hanna suggested that the plat plan be modified to reflect these new changes before they vote on it. Eichhorn suggested a special meeting. Tuohy noted they would greatly appreciate a special meeting because of the property contract deadline. Intermill reminded they need 48 hour public notice.

**TIM PRITCARD MOTIONED, CAROL HANNA SECONDED, TABLING PC03132019-01 UNTIL RESUBMITTED PLAT REFLECTING 7200 SQFT MINIMUM LOT SIZE AND 50% DENSITY MAXIMUM, ALONG WITH AN UPDATED LIST OF COMMITMENTS.**

It was determined to hold the special meeting of the Plan Commission on Tuesday, May 14<sup>th</sup> at 6:30.

## **NEW BUSINESS**

### **A. PC05082019-01 – Pendleton Veterinary Clinic – 1011 S Pendleton Ave – Change of Zoning from Single Family to Planned Business**

Hassett's Google Drive Presentation included a Change of Zoning Application, a copy of the Warranty Deed, a Zoning Map with the subject property outlined, aerial photos of the property, Staff Findings and Staff Recommendations.

Hassett introduced Petitioner Mark Graf of Graf Design and Dr. Brent Crabtree of Pendleton Veterinary Clinic. The petition is for the rezone of 1011 S Pendleton Avenue. Every change to the building for business purpose they had to seek a Land Use Variances. They intend to stay at this location and grow this business. With a rezone to Planned Business, they would not have to seek variances as a non-conforming use of a lot. If granted, they would then fall under the normal restraints of Planned Business.

The location is south of the intersection of S Pendleton Avenue and Reformatory Road. It is primarily an area of single family, however, there is Recreational open space land to the West, Planned Business to the North as Outfitters (old Co-op) and Institutional property across and South with Pendleton Christian Church.

This petition contains two lots that have been sold together for many years now. There is a residence on the North lot and the Veterinary clinic on the South lot. The two lots are about one acre.

Minimum lot requirements for Planned Business Zoning are satisfied. The setbacks of the primary structures are also satisfied.

In the future land use map this area was envisioned as Single Family, however, she would like to consider that the site has been used as a business for many years with no complaints from neighbors. Site changes, if zoned Planned Business, would be governed by the Planned Business Design Guidelines, which include architectural and signage requirements, as well as landscaping and screening requirements.

Hassett's presentation included the kinds of questions the Plan Commission would consider when considering a change of zoning. What does our Comprehensive Plan say? Is Planned Business zoning compatible with the current conditions and overall character of the neighborhood? Is Planned Business the most desirable zoning for this property? Will rezoning this property Planned Business have an adverse impact on the value of properties in Pendleton? Does this zoning amendment reflect responsible standards for development and growth?

Hassett indicated that as a non-conforming use right now, if abandoned for one year or more, no business would be able to come in. She added one important factor that needs considered is that any other use permitted in the Planned Business zoning District could come onto this site if the veterinary clinic should go away. Hassett provided an extensive list of Permitted Uses in Planned Business District. It also included those that would be Conditional Uses which would have to go before the Board of Zoning Appeals.

Hassett advised that all of the public utilities are in place. The street is classified as a major collector versus a local residential street. Planning feels it is developed property for business use.

Hassett shared that she received one call and one visitor regarding this petition and both were positive.

#### **STAFF RECOMMENDATION**

Approve

Ramey-Hunt asked if this owner would have to do anything to meet the standards of the Comprehensive Plan. Hassett shared the reason they are applying for rezoning is because they are also here for a site development review pending an extensive remodel project for this site, in which Planning has included many Planned Business required recommendations. That will go in front of this board if this board approves the rezone.

Eichhorn asked if it is currently two tax parcels. Hassett advised it is. Eichhorn asked if the two parcels could be combined so it can't be split later. Intermill advised that would take a re-plat, but yet it can. Hassett advised it would be Brenda Palmer at the Madison County Auditor's Office would have to re-deed it as one plat. She added that could be a condition of this rezone.

Hanna asked what would happen if the Vet Clinic closed and someone came in with a carryout restaurant. Hassett advised with the change of use, generally staff is cued when someone comes in for a change in utilities or a sign permit. That is when Planning reviews the requirements that we might have. The way the Ordinance is written, any permit can cue a Site Development Review. If everything was in conformance with our Guidelines and our Ordinance, yes, a restaurant could move in on that site.

Ramey-Hunt asked if there was an existing pathway for the current owner to make changes without rezoning. Hassett advised they would have to seek land use variances every time they would want to make any change, which is \$200 fee and a month long wait process and then BZA reviews the change instead of the PC. Adding, as a non-conforming use, we are not supposed to encourage its survival.

McClintick wanted to speak on the question of the restaurant going into that site. He indicated they would have to meet all the requirements such as the grease trap at their own expense, fire sprinkler system, all the current State requirements for a restaurant and Fall Creek Regional Waste guidelines. Christenson reiterated, as Hassett had said, that going from a vet clinic to a restaurant would kick in site development review and would come before Plan Commission.

Hanna asked since part of that property is a residence right now, why do we want to change the zoning on that one. Hassett indicated if the rezone occurs, the non-conforming part actually will flip. That could be continued until abandoned for more than one year and then it would go away for good. Any future use of that building would have to be planned business use. Hanna asked why we don't keep the one zoned residential. Dr. Crabtree shared the long term plan is to eventually demo that house, allowing them to expand the clinic, but currently one of the staff members lives there.

**KYLE EICHHORN MOTIONED, SECONDED BY BRAD BALLENTINE, THE RECOMMENDATION OF PC05082019-01 ZONING CHANGE FROM SINGLE FAMILY TO PLANNED BUSINESS. MOTIONED CARRIED WITH A VOTE OF 5 TO 1.**

Hassett reported that the rezone will now go on to Town Council. It is on the Town Council agenda for the following night and, because of the timeframe, it is likely it will be tabled by Town Council until the June meeting.



**B. PC05082019-02 – Pendleton Veterinary Clinic – 1011 S Pendleton Ave –  
Site Development Plan Review (Amendment)**

Hassett's Google Drive Presentation included the Site Development Plan Application, Conceptual Renderings of the Clinic, Site Plan, Renderings of Four Elevations, Foundation Plan of the Addition and Floor Plan.

This remodel of the vet clinic features an addition, a porch and an extensive reroof. The Site Plan includes the existing residence to be demolished. It shows the current building footprint, the porch and the addition, and the parking lot.

Hassett asked Mark Graf to talk about the proposed materials to be used. Mr. Graf introduced himself as the builder on this remodel. They have an architect and engineer also involved on the project. It is their desire to work closely with the neighborhood to build something that looks architecturally pleasing and blends into the community. He advised recently they have been working with a product called smart lap siding, which is like the hardie plank, stating the resilience of that product is better than cement board. For the paint product, Sherwin Williams or equal quality in the highest end and it lasts roughly 30 to 40 years.

He also pointed out on the addition footprint of the remodel, all they are doing is filling in one corner of the existing footprint and they are adding a porch entrance. The main purpose is to have better curb appeal and ultimately set the interior standards higher than previously done.

They have obtained State approval as far as mechanicals, electrical and plumbing. They are now needing Town approval.

**STAFF RECOMMENDATION**

Approval, with the following changes and conditions:

- Vinyl shake may be allowed in gable, but horizontal vinyl siding shall not be permitted. Fiber cement siding or engineered wood siding shall be allowed.
- A sidewalk at least 8 feet in width must be provided along the front of the building. Sidewalks at least 5 feet wide must be provided around the sides of the building to the most distant exterior doors.
- A/C units must be screened by shrubs or fencing.
- Security lighting must be shielded so that the light source (bulb) cannot be seen from adjacent properties.
- Landscaping shall be installed along the south edge of the parking lot in accordance with the Planned Business Design Guidelines, Section G4.C.2, before a Certificate of Occupancy will be issued for the remodel project or by September 2019, whichever comes first.
- Provide a bike rack to accommodate at least 3 bicycles.
- Include in plans a fenced enclosure to screen trash cans.
- Install parking lot lighting in accordance with Planned Business Design Guidelines. Lighting plan must be provided to staff prior to installation.

Ballentine asked if there were any modifications required to the building entrance, apron or any curbing. Hassett advised that since they are not changing it, staff did not address it at this time. This is an existing site and is not a Change of Use. Hassett added that the landscaping along the edge of the existing parking lot was just an ask by the Planning Staff, because they are giving them some latitude regarding sidewalk wide and with material, staff is hoping they will take a step forward on things like the screening.

Hassett reminded the Commission that these newer products like cement fiber board or smart lap siding are not included in our Planned Business Design Guidelines which are outdated. She believes the intent, when these Guidelines were developed, was no vinyl sided commercial buildings, so that siding product will be a variance from our Design Guidelines. She referred to Wright Dental Studio as a recent example of the fiber cement board.

Eichhorn asked the petitioner if he was okay with the recommendations and additional landscaping. Dr. Crabtree said he thought a lot of these things would come with time anyway, but they agree to do them now.

**CAROL HANNA MOTIONED, SECONDED BY BRAD BALLENTINE, TO APPROVE PC05082019-02 WITH STAFF RECOMMENDATIONS. MOTION CARRIED.**

Next regular Plan Commission meeting is scheduled for June 12, 2019.

Meeting adjourned at 9:02pm.

Kate Edwards  
Planning Clerk Town of Pendleton