

The Pendleton Plan Commission held a Special Meeting on May 14, 2019 at 6:30 pm at 100 W State Street, Pendleton, Indiana. The meeting was called to order at 6:34pm. Commission members present were Chair Tim Pritchard, Connie Schultz Heinz, Carol Hanna, Kyle Eichhorn, Cheryl Ramey-Hunt, and Mike Romack. A quorum was established.

Representing the Town were Planning and Zoning Administrator Kayla Hassett, Town Manager Tim McClintick, Town Attorney Brad Dick and Planning Clerk Kate Edwards.

Others in attendance were Town Council Member Chet Babb. All others were Max and Rita Aiman of 115 S 425 W Pendleton, Gary and Nancy Dix of 645 N Pendleton Ave Pendleton, Jack and Janice Radford 6340 S 425 W Pendleton, Chris Taulman of 316 Dogwood Dr Pendleton, Bob Eley of 131 N Main St Pendleton, Alice and Kirby McCrocklin of 4273 w 600 S Pendleton, Shannon Mingle of 360 Old SR 132 W Pendleton and Tom Whetsel of 442 E State St Pendleton.

OLD BUSINESS

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

Hassett suggested that the petitioners go straight into their presentation and show the changes made to the plat since our last meeting on May 8th.

Brian Tuohy, Chris McKinney and Keith Gilson were present representing Westport Homes. Tuohy reviewed the Westport Homes presentation and changes agreed to since last meeting:

- Eliminating one additional lot and elimination of about half acre in the common area allowed Westport to make the smallest lot 7,360 SQFT
- The average lot size changed from 8,396 went up to 8,526 SQFT
- The common area went from 18.76 acre area to 18.2 acre.
- Density then changed from 60% to 50% on almost all lots. The exception being a few of the smallest width lots and those would be about 51% because, at the request of the PC, they additionally added 2 feet in width to the driveways making them 18 feet wide.
- They did have some yards with 5 foot setbacks making a 10 foot minimum between homes. With some changes to those lot sizes, that 5 foot minimum would only happen if their largest home was built on their smallest lot.
- With Westport's non-monotony commitment there won't be two homes with the same elevation side by side nor across the street from each other.
- The Westport presentation included a rendering showing the 235 lots, along with a 3 page breakdown of the 25 commitments
- Commitment 18 is their agreement to change the driveways from a minimum of 16 feet wide to 18 feet wide.
- He referenced the Planning Staff's suggestion of one play ground and one adult passive recreation area with an open sided shelter structure and perhaps a fire pit.

- There will now be no vinyl siding or any vinyl products used on the exterior of the home. There will now only be brick or stone or wood or fiber cement board or HardiePlank® or all lap siding or a combination thereof.
- There is now a commitment for three different garage doors and 5.5" trim around non-brick windows and doors.
- They believe the average price of their homes will be \$235,000 to \$250,000.

Tuohy closed by sharing they would greatly appreciate the Commission's favorable consideration and he thanked the Commission for holding this special meeting.

Cheryl Ramey-Hunt asked for clarification of the lot size variance being requested. Hassett stated the variance request is from roughly 14,000 SQFT to 7,360 SQFT.

Romack asked about the commitment to help with drainage in Pines of Deerfield. Tuohy advised that Westport will need to drain some water into their ponds and one of those is a mess. In order to get that right, we are going to have to come to some agreement and contribute to that. Concluding that, in order for Westport to build, something will need to be figured out. Keith Gilson with Stoeppelwerth & Associates— we would need to look at our options if their pond is not a viable option. One of those options would be to increase the size of our pond, but the design right now will significantly reduce the Pines water problem by slowing down the discharge rate. Romack asked if they were confident that the ponds they are creating will take care of that. Gilson advised any water will be collected, retain it and discharge it at a slower rate. Hanna asked who has to sign off on the detailed drainage. McClintick advised that is part of the second plat, so it will come back to the PC then. He advised that Banning Engineers would review it and Madison County might review it depending on which drain it goes into. Eichhorn asked if the results of the detailed drainage require that existing pond to be cleaned out, Westport would have to have all owners on board. Hassett advised that it is in a lake maintenance easement around those ponds. McKinney added that Westport might have to add an additional pond if they get into the details. If that is the case to ease a slower rate, that is what Westport will do.

Eichhorn asked if Westport could commit to maybe a four foot mound with a landscape yard to be determined at the secondary plat stage. McKinney shared that that is a standard that they have implemented in all of their new communities. Undulating mounds.

When asked, Tuohy advised that the traffic study engineers concluded that roadway improvements were not necessary. The left turn lane on 600 was added at the request of the Plan Commission.

Eichhorn said Westport is showing on the development plan that the entry taper on the north side of the Pendleton avenue entrance is on someone else's property. McKinney advised that is just conceptual and that will be formalized on the secondary plat, along with the Pendleton Avenue sidewalk, if it is not in Westport's right-of-way, they will have to figure that out.

Hassett advised that Planning Staff, Tim, Rachel and herself, have been over this plat with Westport several times and have taken into consideration Plan Commission's comments as well as comments from the general public. Since our last meeting, we received a letter from Mr. Frank Magaletti and Ms. Noelle Rigaud, as they were unable to attend tonight. They have spoken in opposition at previous meetings. Hassett also advised they received two phone calls from individuals anxious for this development to begin. She went on to report that Staff strongly approves this petition. They strongly believe that density is not a bad thing. Density reduces sprawl and allows more people to live closer to the downtown area. We do not believe we sacrifice quality when we create more dense developments. In fact we have asked for several commitments from this developer to ensure that while we are creating a dense neighborhood we are creating a high quality neighborhood.

Hanna asked for a review of the next steps would be if this got approved tonight. Hassett advised that if the PC approves tonight, Westport will have to submit a secondary or final plat and the soonest that could appear before the Plan Commission would be the July meeting. That document would be a full set of construction plans, utilities, the recordable plat. Not so many of the illustrative details, it would be more detailed construction drawings, the recordable survey document the county will then file away breaking up this land into lots. It will get into the details of how this will all work and how it will be recorded. That will be what you vote on next. That will be the end of the process.

Pritchard opened the floor for public comments:

- Chris Taulman is not opposed to development in this area and believes Westport has done an excellent job in making commitments and documenting those. But he believes the decision made tonight will be setting precedence. He stated, to give a variance, it is important that the board makes sure that they are not setting precedence that is going to make town residents worse off in the end. His concern is that there are a lot of details missing at this point, understanding that a lot of those will be ironed out with the secondary plat. He asked why the easement around the Pines ponds was never mentioned before. Hassett explained that the easement allows people access around the ponds for maintenance purposes. Taulman went on to advise he has been working with all of the homeowners on both ponds. He can pretty much commit to anything that needs done on the south pond. The one on the north side, those eight owners have mixed feelings. Taulman said they need to understand how much water is physically going to go into that pond and they need to work with the town to understand what can and cannot be done to that pond. He is trying to take on the task of getting a commitment from all eight of those property owners. He added he received a dollar amount commitment from Westport to help clean up both ponds. Adding it was a low number, but they appreciate it, as it is not Westport's problem. Three quotes have been received to clean up the north pond and the lowest came in at \$150,000.

Eichhorn asked if these are variances or waivers. Hassett advised they are variances and they are supposed to go to the Plan Commission when it relates to subdivisions. Hassett went to address some of Mr. Taulman's concerns about variances, generally

when giving out a lot of variances it means your ordinance is becoming pretty outdated and unworkable with your community. The variances being given have been for pretty commonplace matters that you wouldn't expect to need a variance. This this case, this is another situation where a 14,000 SQFT minimum lot size for a single family is not a practical minimum lot size, which is why we encouraged Westport to seek variances from the ordinance requiring the minimum lot size.

Pritchard reminded that the Stoepelwerth engineer did say they will review the ponds and the flow. Tuohy indicated Westport will need to do whatever it takes, adding, if Westport doesn't come, there is going to be much more water hitting the Pines than if Westport does come. Westport development will reduce the amount of water that hits the ponds.

Schultz Heinz referred to the quotes Taulman received and she asked how much they were short since they don't have an HOA. When specifically asked, Taulman shared the Westport dollar commitment was \$10,000. Taulman added the fact that Westport is willing to give them money to help fix a problem that is not theirs shows good will and is appreciated.

- Janice Radford asked about the sewage and if they will be on city sewer or will each have their own grinder pit. Pritchard advised that they will have municipal sewer with Fall Creek Regional Waste.

Eichhorn shared that just because the Town has a large minimum lot size requirement it doesn't mean the ordinance is out of date. Markleville and Cicero and other communities have larger minimum lot requirements. So he would not call ours antiquated.

Romack shared that future growth here in the Town is important. The things he looks at are things like this new development will continue to help the electric rates for everyone else in the town, it will help the water rates stay down, the roads we have talked about out there, it takes tax revenue to repair roads. We have to think of what is good for the Town of Pendleton and stated there are so many positive things about this addition.

Eichhorn noted the 'approximate 50% coverage' and asked if they would commit 50% maximum lot size coverage. Westport committed to maximum 50% lot size coverage.

MIKE ROMACK MOTIONED, SECONDED BY CONNIE SHULTZ HEINZ, THE APPROVAL OF PC03132019-01 ALONG WITH WESTPORT HOME'S COMMITMENTS. MOTION CARRIED UNANIMOUSLY.

Meeting adjourned at 9:02pm.

Kate Edwards
Planning Clerk Town of Pendleton