

The Pendleton Plan Commission met on June 12, 2019 at 7:00 pm at 100 W State Street, Pendleton, Indiana. The meeting was called to order by Chair Tim Prichard. Commission members present were Chair Tim Pritchard, Connie Schultz Heinz, Carol Hanna, Kyle Eichhorn, Brad Ballentine, Cheryl Ramey-Hunt, and Mike Romack. A quorum was established.

Representing the Town were Planning and Zoning Administrator Kayla Hassett, Assistant Planning Director Rachel Christenson, Town Attorney Christina Bruno and Planning Clerk Kate Edwards.

Others in attendance were Anita and Lennie Stewart of Anita's Kitchen, Donovan and Daniel Smith of Pendleton and Kathy Ridenour of R&R Market.

## **MINUTES**

**CAROL HANNA MOTIONED, SECONDED BY CHERYL RAMEY-HUNT, THE APPROVAL OF THE MAY 8, 2019 MEETING MINUTES. MOTION CARRIED.**

**CAROL HANNA MOTIONED, SECONDED BY BRAD BALLENTINE, THE APPROVAL OF THE MAY 14, 2019 MEETING MINUTES. MOTION CARRIED.**

## **OLD BUSINESS**

### **A. Unified Development Ordinance Update –**

Christenson reported the Steering Committee successfully submitted their homework mid-May, which were then submitted to the Planning Workshop and they are reviewing those documents right now. Also working on revising our zoning districts and the descriptions that go with those zoning districts. With the homework, they are making revisions to our Use Matrix.

Steering Committee Meeting 2 has not been scheduled yet. Will probably be after school starts. We are still on track to have it done by year end.

### **B. Thoroughfare Plan Update –**

There was a lot of discussion on this when we were talking about the Westport Homes development and what the future plans were for the Town. The current plan was adopted in 2006 and is very much out of date. Our goal is to update these Comprehensive Plans every five years. We are playing a bit of catchup on this one because it is so old, but we did hire Madison County Council of Governments (MCCOG) to do the update. Since our last meeting we had a Kick Off meeting on May 20<sup>th</sup> with Staff, MCCOG and we also had a representative of the Planning Workshop to ensure we coordinate the Unified Development Ordinance with this Thoroughfare Plan. They will have items to Staff by July 12<sup>th</sup> for review, which is the draft of the Right of Way Dedication Ordinance, a draft Access Control Ordinance and the Bicycle Pedestrian Ordinance package. The State is passing a three foot passing law, so it will be a State law, and thus included at the local level.

This will be similar to our Comprehensive Plan process. We will give the PC updates along the way. There will be a steering committee, which won't start until around September. Monthly updates will be given. Final presentation with MCCOG on the draft document and the PC can provide feedback at that time. We will get it polished up before we sent it to the Town Council for final adoption.

Ballentine asked if there will be a module that talks about the funding and financing of right-of-way and the construction. Christenson said she would check on that. Not sure if funding is within the scope of their work. Ballentine stated he went through the property tax distribution details and how they are distributed and did not see any line item type funding that would support any major infrastructure enhancements with respect to roadways. Of interest to him, acquisition of the right-of-way for the construction of new roads and bypasses and then what the funding mechanisms are that will allow us to build the appropriate infrastructure to support the plan. Christenson will go back through the contract to see if that is a piece of it and, if not, she will figure out how to make that happen.

**C. PC01092019-01 – Anita's Kitchen – 525 E State St – Site Development Plan Review**

Christenson provided an overview to date. There have been Staff presentations. We have had input from the petitioner, we have had public input and the last meeting we were asked by the petitioner to table the petition. So we are here tonight for consideration of three options that can be taken at this time. The Plan Commission can approve with modification or any recommendations that the PC would like to make in addition to the Staff recommendations. Petitioner can withdraw their application if they choose to. Or the third option would be for the PC to deny it.

Bruno shared, under the rules, the petitioner case is limited to 20 minutes. There have been two public meetings on this. It could be tabled again but it is our recommendation that the PC makes a decision. Pritchard asked if the PC decides to withdraw and/or the petitioner does, what happens when they come back in the future. Bruno reported that if petitioner withdraws it, they can refile at any time. If they were to proceed today and be unsuccessful, they would be unable to refile for one year. Pritchard asked petitioner if they wanted to go forward.

Lennie Stewart addressed the commission. He shared they spoke with the head of Planning Department and was told they had nothing to worry about. They purchased the property and hired an architect and started the proper procedures to begin their project. They then learned there was a lot to worry about and it would be very costly for a small business in this town. The issues included lights. They currently pay a monthly fee for the town's lights on the property. They've been told the lights will be removed, thrown away, and new lights to be installed at Anita's expense. Regarding the entry way, they were asked to move the entrance at their expense. The Town is asking that the petitioner put an entry way on the Town property. On the water supply they have been told the current water supply leaks and is not up to date. They were told they needed to move the supply to the NW corner at their expense. Petitioners can agree to pay for the upgrades if necessary, but not paying the basics the Town is responsible for. On the electric, the Town wants them to pay for a new transformer. Petitioners feel they should

only be responsible for the upgrades. They were told the guidelines have been in place for at least 15 years, but the example has not been set by the Town for other businesses in the remodel. They have also been told there are no guidelines in place for remodel, only new construction. There is a gray area since the petitioners are being asked to follow the guidelines for new construction. He feels they are being held to standards other business are not. Point is that the head planning director had the opportunity to do his job and let them know the issues rather than allowing them to make a large financial decision and then present the issues. If proper procedures had been followed, it would have saved them two years of hassle, stress and hard feelings. They have supported the community and many organizations. They donated food to the first responders after the tornado. We aren't asking for a pat the back but did it to support the people that support them. Petitioner feels there is no support from the people that run the Town. Since opening over five years ago, they paid over one million dollars in federal taxes and over \$200,000 in local taxes, which go to help fund educations, public employees, parks and economic development. Adding this is not including the sales tax or payroll tax the Town also gets part of. In conclusion, he wants to thank the Plan Commission for their time, the Planning Department for helping them learn a costly message that won't be forgotten and he wanted to thank the people in the Town of Pendleton and surrounding communities for their support. At this time, they are willing to withdraw the petition.

Pritchard thanked Mr. Stewart.

Mr. Stewart then formally withdrew the petition.

**Meeting adjourned at 7:20pm.**

Kate Edwards  
Planning Clerk Town of Pendleton