

The Pendleton Plan Commission (PC) met on July 10, 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 Tim Prichard, 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 and Town Attorney Alex Intermill.

Others in attendance were Helen Reske of 845 S Pendleton Ave Pendleton, Nancy and Tim Fout of 679 N Pendleton Ave Pendleton, Mike Stewart of 664 N Pendleton Ave Pendleton, Gary and Nancy Dix of 645 N Pendleton Ave Pendleton, Jennifer Sisson of 366 Blue Spruce Drive Pendleton, Bethany Eichhorn of 5890 S 400 W Pendleton, Ann Gardner of 336 Blue Spruce Drive Pendleton, Joan Valente of 685 N Pendleton Ave Pendleton, Lisa Claghorn of 7782 Park North Court, Brian Brown of 7965 106<sup>th</sup> St, Christ Taulman of 316 Dogwood Drive Pendleton, Jim and Linda Bushee of 100 Blue Spruce Drive Pendleton, Sandi Butler of 178 Fall Creek Pkwy Pendleton, Frank Maganetti of 634 N Pendleton Avenue Pendleton and Noelle Rigaud of 634 N Pendleton Avenue Pendleton.

## MINUTES

**CONNIE SCHULTZ HEINZ MOTIONED, SECONDED BY KYLE EICHHORN, THE APPROVAL OF THE JUNE 12, 2019 MEETING MINUTES. MOTION CARRIED.**

## OLD BUSINESS

### A. Unified Development Ordinance Update –

Christenson reported the Planning Workshop is working on the draft of the revised zoning districts and the purpose descriptions to go with those zoning districts and they are also working through revised site development standards. They will come to us for staff review and eventually to the Plan Commission for review.

Next step is staff will be reviewing the processes for applications for zoning or subdivisions and working of flow charts to illustrate those processes. Dive deeper into subdivisions, the types and the design regulations. We will be developing Use Development Standards for Special Exceptions and Other Uses and also developing Design Standards for architecture, landscaping, signs and other elements.

### B. Thoroughfare Plan Update –

Christenson has been working with Madison County Council of Governments (MCCOG) and have reviewed drafts about the three foot passing law, the vulnerable road users policy, a complete street policy and a right-of-way dedication ordinance. Those drafts are in review and then they will go back to MCCOG, who will come back with a second draft that will then be presented to PC for review. There will also be input by the Police Chief.

They are also working on an interim functional classification map, since the current classification map is not up to date at all.

Christenson addressed a funding source question from the June PC meeting regarding the Thoroughfare Plan, reporting that it is not spelled out in detail in the contract, but she does not believe it will be a problem to make sure those sources are identified in the action plan in the Thoroughfare document. She stated the Council of Governments are the keeper of those federal funds for our planning area. Again stating she does not believe it will be an issue for them to identify what type of INDOT funding, and even other types of funding beyond INDOT, which could be used to implement some of these projects.

Ballentine asked, at what point in time we address the new terrain roads to begin linking or opening up the traffic congestion issues that we have in downtown Pendleton. Christenson stated she could not answer that question at this time but will learn more as we go through the Thoroughfare Plan Update because she knows new terrain roads will be identified as part of that and then we will have to look at different strategies to make that happen.

The Steering Committee for the Thoroughfare Plan won't be formed until September.

## **NEW BUSINESS**

### **A. Carrick Glen, Section 1 – Secondary Plat (58 lots) – D.R. Horton-Indiana LLC – N Pendleton Ave & W 600 S**

Brian Tuohy of Doninger Tuohy & Bailey addressed the Commission and introduced Chris McKinney from Westport Homes and Lisa Claghorn from Westport Homes, along with Dennis Olmstead and Brian Brown with Stoepelwerth Engineering.

Tuohy reported they are seeking secondary plat approval for Sections 1A and 1B of Carrick Glen. Maps were provided via Google Drive presentation. These sections comprise about 26 acres. These are the sections they would have their model homes in which would be located off the main entrance and to the North.

Noted corrections to the Commission handout include:

- Side yard setback change to a total of 10 feet, 5 on each side.
- One Lot was about 200 sq.ft. short of what it should have been and they will make that correction to Lot 5 in Section 1A. That was a typo.

Tuohy noted that he believes the secondary plat to match the primary plat and that it meets the standards of the Pendleton Ordinance and the standards created by our Zoning Ordinance. Their engineers have done a fair amount of work with the Town's engineering firm, Banning Engineering, and he shared that they found out very positive news about how this will effect drainage to the south.

Tuohy concluded by saying they would respectfully request approval of the secondary plat for 1A and 1B, and they will address any questions this evening.

Hassett addressed the Commission stating phases 1A and 1B are up for the PC approval tonight. They contain:

- 58 lots
- 2 plats
- 1 detention pond
- 26.43 acres
- 9.57 acres open space
- Lot sizes: 7,278 (will be corrected to approved minimum) – 12,514 sq.ft.
- Minimum front setback: 15-20 feet
- Minimum side setback: 5 feet
- Minimum rear setback: 15 feet

## **STAFF FINDINGS**

Hassett reported there were a number of corrections that need to be made to the plat before it is ready to be recorded. Most being minor. They are as follows:

Plats:

- All pages:
  - In title, change “record plat” to “secondary plat”.
  - In title, change location description to read as follows:
    - TOWN OF PENDLETON, FALL CREEK TOWNSHIP, MADISON COUNTY, INDIANA (PART OF THE... SECTION... TOWNSHIP... RANGE...)
- Page 1, both plats – Add maximum lot coverage of 50%.
- Add G.B.L. to lots 1-5, 18, 29, 39-48, 53-58.
- Increase size of lot 5 to the minimum 7,360 sq.ft.
- Page 6, both plats:
  - Deed of Dedication
    - Par. 2 – Specific Sections 1A and 1B.
    - Par. 5 – Remove last sentence in parenthesis.
  - Plan Commission Certification – Add names of President (Tim Pritchard) and Secretary (Carol Hanna) below their signature lines before titles.
  - Add County Auditor and Recorder certifications.
  - Surveyor’s Certificate – Remove “T” at end of 2<sup>nd</sup> to last line.

Construction Plans

- Add temporary cul-de-sacs at the ends of Limerick Lane and Carrick Glen Boulevard. Those need included as part of our Street Standards for turning around.
- Add additional street lights.
- Relocate path entrance at end of Ballycastle Court and post “no parking” signs in cul-de-sac for easier snow removal.
- Revise north-south pedestrian crossing at east end of Limerick Lane.

Drainage Plans

- Address Banning Engineering comments and questions.

Landscaping Plan

- Add more plants on undulating mound along 600 S.
- Increase number of shade trees to 30.
- Add shade trees along paths through common areas.
- Add conifers to Common Area 2.
- Tree species substitutions as noted on plan, per Town’s approved street tree list.

Performance & Maintenance Bonds

- Must be received before plat is recorded.

**STAFF RECOMMENDATION**

Approve with the condition that all of the above comments are addressed to staff’s satisfaction prior to plat recording, without changing the number of lots, or the general lot layout.

Pritchard asked if Lake 1 will be constructed with Section 1. He was advised it would be.

Ballentine asked, since Lake 2 is not being installed at the initial time, how will the

drainage be handled on the undeveloped area. Brian Brown with Stoepfelwerth advised that was a question Banning had so they are going to work with Banning and work on a bypass to get it around so there will be no ponding.

Pritchard asked if there is a plan to have a construction entrance off of 600. Ballentine felt this had been discussed to minimize construction traffic on N Pendleton, which is not reflected as part of Section 5. Tuohy reported that they didn't remember that as a commitment, but added, if they said they would do that, they will do that.

Schultz Heinz asked if construction traffic will come off of 600, will the accel decel lanes be put in. Chris McKinney with Westport Homes shared that the last section they would build would be the 600 entrance way. Adding they would not want accel/decel lanes during construction because they don't want local traffic using that entrance. They will have barricades and signage at that entrance.

Romack asked for a restatement of the drainage of the undeveloped area. Brown said, in the interim condition where they have not developed Section 2 and beyond, the majority of the site drains to the West and to the South. The East side of the property they are taking into the pond. The area North and more to the West will maintain natural drainage and flow as it does now. Areas where they are impacting the natural drainage, they will pull into the system before they develop it so they are maintaining that water. Romack shared his concern was if there are rains like Pendleton had this Spring that will put more water into the Pines. Brown advised they would be detaining as much as practical. In the ultimate condition, they are reducing the run off from that current property by more than 80%, even under the most severe storm. Brown added, they are not detaining into the detention system in the Pines. There is a 30 inch bi-pass pipe they will link into that does not go into the detention system of the Pines. Ballentine asked how they will get the run off from the rains through 1A and 1B to the pond temporarily. Brown advised there are several catch basins and yard inlets on the North side of 1B and indicated they are working with Banning on this.

Pritchard asked about the people on the North side of the Pines with sump pumps and what the process will be once they decide they want to connect to the Westport line. McKinney advised he would work with Stoepfelwerth to get that storm line installed with 1A and 1B so that commitment is put to rest. McKinney would like to receive requests to hook to that via US Mail delivered directly to our office at Westport Homes, 9210 N Meridian St, Indianapolis.

With no more Commission questions, Pritchard opened the floor to the audience.

Sandi Butler main concern is traffic. Having read the Town of Pendleton's Master Plan written in 2018, she believes the Town needs to be addressing the following before they approve this project:

Of the ten goals noted, she mentioned goals 2, 4 and 10.

2. Connectivity between any new development and parks, recreation and open Spaces and will there be sidewalks on Pendleton Avenue. Pritchard said yes.
4. Updating the Thoroughfare Plan to be done within seven years to insure the transportation system can be navigated easily, meaning the additional traffic could affect where she lives for the next seven years.
10. Community infrastructure and services that support and enhance it's residents quality of life. Specifically the area of safety and the need for additional firemen and police. She references 3 areas of development: Old 123 with 50 homes, Pendle Pointe has 52 open lots, and Westport is at 235. 337 homes providing traffic to her location.

Butler added that according to the 2010 census Pendleton residents totaled 4,253. Take 4.36 which is 2 adults and 2 children times 337 equals 1,473.68 additional residents to the Town of Pendleton. If each had 2 cars it adds 676. 3 cars adds 1014. 4 cars add 1352 cars to our streets. Butler also read aloud a portion of the Comprehensive Master Plan Vision Statement.

Chris Taulman addressed the Commission with questions specific to the drainage and the referenced bypass that goes around the ponds of Deerfield. He asked Brian Brown to locate it's inlet and outlet on Taulman's map. Brown addressed the inlet with discussion regarding the continuity of the pipe going under 132 for the outlet.

Jennifer Sisson addressed the Commission asking how the meter sets would be handled. Hassett answered that when a building permit is issued the builder also applies for Utility Services Application and pays the associated fees for electric and water hook up. Sisson asked if those fees are returned to the builder. Intermill advised that is done elsewhere around the State with certain developers as incentives, but that is not this developer and he was not aware that Pendleton has ever done this. Sisson brought up the road infrastructure and suggesting the Town look at development charges noting a common fee of \$500. She indicated that residents pay for the new facilities in their rates. Hassett reported the Town has requested from Intermill the process required to get impact fees in place. Sisson stated impact fees and system development fees are two separate things. Intermill stated, in respect to the water plant, it was funded completely through TIF dollars and did not result in any sort of increase in the rates.

Sisson asked if the set back for the Westport homes on adjacent properties are similar to the set backs in the Pines. Hassett reported the set back in the Pines are greater than the minimum set back in Carrick Glen. Hassett stated the front set back can vary between 15 and 25 feet off the property line and the rear set back is 15 feet minimum.

Ballentine asked about the southern edges of Section 3 and Section 2 which back up directly to the Pines, the rear set back from the property line is 15 feet or is there a buffer of common ground between the Pines and the development. McKinney reported the lots backing up to the Pines are the deepest lots in the community. The rear set back is a 15 foot minimum, but they have no product that will fill that entire space. The deepest product they have, which was shown at a previous Plan Commission meeting, showed the largest product on that lot size and he believed it was 70 plus feet to the back property line, and he felt comfortable that the set backs will be similar if not larger and there is the commitment to trees.

Sisson asked McKinney if he was the project manager or if they had a project manager that will be on site to make sure that when the homes are going that they are set properly. McKinney advised he was the Vice-President and responsible for the overall development and advised there will be other folks that see to the development. He reported that Stoeppelwerth engineers provide all of our plot plans and they actually stake, with 10 foot offsets, the exact corners.

Sisson realizes the increased traffic is a concern for most, but wanted to remind others that without traffic we would have a dried up Town.

Helen Reske addressed the Commission, noting that the Westport and the Falls developments adding 285 homes add over 1140 cars if the families have 2 teenagers and those extra cars in our Town will not create quality of life. She believes we are killing what our residents love about Pendleton. She would like this tabled until the Town has a better plan.

Romack responded to both Sandi Butler and Helen Reske comments, noting it is kind of like chicken or the egg and which comes first. He noted the Town has a demand currently because

of two big housing additions going south of Town and somebody is going to have to protect those folks. If we stop development, we don't have any additional tax money to pay for policemen and firemen. If we stop development, we will not have enough money to hire the policemen and firemen. We have to take care of those people south of Pendleton without them even being in the Town limits. Christenson clarified those housing additions are in the mutual aid area since they are not in our Town limits. Romack reiterated that Pendleton's police and firemen still take those runs and because we will have a better tax base we will be better able to pay for those volunteers and the police.

Additional discussion regarding impact fees and how they could affect any unbuilt Carrick Glen homes if Town Council approves the implantation of impact fees.

Butler spoke again about the effects of the increased traffic suggesting that the Town go with the Falls addition and the A1 and A2 Carrick Glen homes and wait to see how it goes with just those as far as increase tax base and traffic.

Taulman addressed Reske and Butler stating he believes everyone in the room is concerned about the increased traffic, however, according to the traffic study that was done, there will be no impact on traffic. He asked Westport to correct him if he misspoke.

Pritchard asked the audience to keep the topics addressed to the Plan Commission and step up to the microphone. He also addressed Taulman's comment noting the traffic study reported the traffic impact would be the same as or equal to if there was a school there. Tuohy stated it compared it to a school versus the subdivision and it also compared it to the proposed use of that site, which was multi-family apartments and possibly commercial retail.

Prichard also agreed with Romack's analogy of the chicken and the egg. You have to put one before the other. The tax base will come from the new homes. The houses come and then the roads come. No community can afford to put in the roads and wait for development to come because they don't have the money.

Butler suggested that the Comprehensive Master Plan be revised pertaining to the statement that the Town will not attract new businesses to expand the tax base.

Mike Stewart addressed the Commission. Resides across from the Pendleton Avenue entrance to Carrick Glen. Asked if there was going to be a cut-in pass lane on the East side of the road, where his house is. McKinney advised there would not be. He said it would be similar to the Pines.

Gary Dix asked for a description of the pond. Brown advised the pond will not have a tall levy around it. Most will flow in. They will be digging the pond down. There might be areas where it is higher and some areas where it is lower. Pritchard advised Mr. Dix that his water will flow towards and go into the pond.

Nancy Dix asked about the construction run off. Brown advised the pond will get built first and the construction run off will go into the pond and the pond will be cleaned later on. She then asked what Town individual will go onsite to double check things once in a while. Pritchard advised that would all be through the Planning Department. Hassett advised the Building Inspector will be inspecting both the construction of the pond infrastructure as well as the homes as they are built. Additionally, we are using Banning Engineering to review anything we might have questions about.

Taulman asked who our licensed building inspector is for the Town. Intermill advised this came up at the Town Council meeting and, as stated at the Town Council meeting, municipal corporations are exempted from having a licensed home inspector. Code enforcement inspections, which is what we are talking about in this meeting, can be performed by Jeff Barger and or Tim McClintick, who had is license but did not keep it because he doesn't do that for a living. So, there is no legal requirement for the Town to have a license building inspector and, in fact, the statute specifically exempts municipal corporations. Hassett addressed Taulman and advised that if the Town gets to a point where one individual cannot handle all of the inspections, Banning Engineering also offers inspection services if needed.

Noelle Rigaud shared her concerns, stating his project should have never been approved and she opposes it for the following reasons: It violates the Unified Development Code (UDC) and shared what she felt the violations were. She stated the members of the Plan Commission are here to represent the residents of Pendleton and to inforce the UDC. She went on to state this is the reason a lot of the residents feel the town government doesn't represent anyone anymore. When it comes to variances there is no grey area. She cited several areas where the approval of this development is not in agreement with the UDC and the appropriateness of a variance. These variances do not meet the terms that are stated in the UDC for the Town of Pendleton. It has been stated that Westport Homes was encouraged to apply for a subdivision plat with variances in an effort to simplify the process, but the UDC clearly states that the requested variance procedure is inappropriate in this case. She also felt the comparison of lot sizes to the Pines of Deerfield are not relevant. She noted it mentioned that the UDC might be changed in the future but the Town needs to abide by its current UDC. She reminded the PC of the previously noted concern for narrow streets and the difficulty emergency vehicles may have and have had in other communities. The purposes of the UDC regulations are to protect and promote the public health, safety and general welfare of the residents of Pendleton. Just as the residents have a responsibility to abide by the laws and regulations of the Town, it is also the responsibility of the Town boards, commissions, police and fire departments and all other groups and committees that make up the Town of Pendleton in order to represent and ensure the safety and wellbeing of all of its residents. The Town government is meant to represent the residents.

N Dix asked who owns the land now. Pritchard answered South Madison Community School Corporation. N Dix stated there have been come concerns about the height of the weeds.

Ballentine said it was his understanding on May 20<sup>th</sup> Westport was consummating the final transaction with South Madison Community School Corporation in acquiring the property. Tuohy advised that has not happened because they were waiting to get through the approval of plat.

Sisson also referenced the weeds being over 5 foot at the end of Blue Spruce. Christenson asked Sisson to email pictures and the Town will formalize a complaint to the property owner and have it on record.

Hassett asked McKinney what the plan would be for the undeveloped area once it is owned by DR Horton. McKinney advised it will get mowed three times per year.

Hanna asked for a review of what was done in the last meeting when the PC approved the primary plat as opposed to what we are doing now because she felt like we are getting some crossover between issues addressed in the last meeting and what the goal was for this meeting. She asked if someone could clarify that for everybody. Intermill agreed that there is some crossover. He explained the primary plat was approving the development covered in the two meetings we went through and then there was also the rezone that preceded that. The number of lots. The more general layout. Timing. The list of commitments that Westport has agreed to. So the PC has approved the development. Going in where it is. With the entrances. With the

commitments. With the number of lots. And that primary plat is complete. Tonight is the record plat which is the secondary plat that will have all of the details. Landscape plan. Making sure the lot dimensions and set backs are all accurate. Because that is what is going to be recorded at county and will be the controlling document as this development moves forward in the five phases over the next several years. So tonight's meeting is not about approving the development, it is about approving all of the details.

Eichhorn referenced Chapter 53 of the Ordinance and asked if it is the Town engineer and their consultants responsibility to ensure compliance or is it this boards responsibility. Intermill stated the responsibility falls on the Planning Staff and Tim McClintick. If someone disagreed with the decision that the Town Manager would make with respect to enforcement, the next step in the process would be to come to the PC.

Ballentine asked for clarification on why just 1A and 1B are being platted and not the entire development at this time. McKinney said they believe that they can sell section 1A and 1B in a timely manner and not have overly invested in the entire subdivision. The reason they split it between 1A and 1B was their goal to get the model homes in the frontage of the community. Ballentine asked the time frame for the other four phases. McKinney advised it would be five to seven years start to finish, done in phases.

Reske asked if there is a possibility to table this project. Pritchard advised the development has already been approved. Reske asked if there was an opportunity for the Town Council to table this project. Intermill advised the approval and jurisdiction lies with the Plan Commission. Reske concluded that there is a lot of unrest and unhappiness in Pendleton and she believes this type of rapid development causes, in part, this kind of unrest.

Pritchard closed audience comments and asked if there were any final questions from the Commission.

Hanna asked Planning if we have all of the edits documented that need to take place. Hassett did have one question about the construction entrance and Tuohy stated it will be off of 600 as requested.

CAROL HANNA MOTIONED, SECONDED BY MIKE ROMACK, THE APPROVAL OF PC07102019-01 AS PRESENTED IN STAFF FINDINGS, RECOMMENDATIONS OF THE ENGINEERS, AND WITH 600 TO BE THE DESIGNATED CONSTRUCTION ENTRANCE. EICHHORN OBSTAINED. BALLENTINE OPPOSED. MOTIONED CARRIED WITH A VOTE OF 5 TO 1.

Meeting adjourned at 8:40pm.

Kate Edwards  
Planning Clerk Town of Pendleton