

The Pendleton Plan Commission (PC) met on August 14, 2019 at 7:00 pm at 100 W State Street, Pendleton, Indiana. The meeting was called to order by Kyle Eichhorn, Connie Schultz Heinz, Carol Hanna, Kyle Eichhorn, Brad Ballentine and Cheryl Ramey-Hunt. 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, Greg Wade of 12 S Main Street Fortville, Sandi Butler of 178 Fall Creek Pkwy Pendleton, Mary Jo Kemper of 222 E High Street Pendleton and Michelle Skeen of 157 Chateau Drive Pendleton.

MINUTES

CAROL HANNA MOTIONED, SECONDED BY BRAD BALLENTINE, THE APPROVAL OF THE JULY 10, 2019 MEETING MINUTES. MOTION CARRIED.

OLD BUSINESS

A. Unified Development Ordinance Update –

Christenson reported the second Steering Committee meeting has been scheduled for next week. Over the past month they have reviewed the draft process charts the Planning Workshop brought to them. Planning Staff will be presenting those to the Steering Committee to review what the proposed processes are. Once Planning gets the Steering Committee feedback, the draft process charts will be presented to the Plan Commission. The PC members can take them home for review and come back with any feedback. Planning Staff wants and appreciates the Commission member's feedback on these projects to ensure that everyone is part of the process and that we are doing the right things for Pendleton.

Christenson went on to advise Planning has reviewed the proposed Zoning Districts and all proposed Zoning Districts appear to be a very good fit. Those will also be presented to the Steering Committee to get their feedback before they are presented to the PC for review.

Eichhorn asked if they could get those documents early. Christenson said she will be sending out an agenda tomorrow and she can send an email also with the proposed Zoning. Eichhorn also asked for the UDO. Christenson advised there is nothing to present yet, but the parts and pieces of the document we are working on can be shared.

B. Thoroughfare Plan Update –

Christenson reported that Planning continues to work with Madison County Council of Governments (MCCOG) and the Three Feet Passing Law, the Vulnerable Road Users Policy, Complete Streets Policy, Right-of-Way Dedication Ordinance, Access Management Control Ordinance and Interim Functional Classification Map. MCCOG sent those over to Planning. Planning reviewed them and sent the Three Feet Passing Law and Vulnerable Road Users Policy over to the Police and also Judge Gasparovic and although they were supportive of the two policies, their concern was the enforcement of them.

Once Planning has that in final draft form, it will be presented to the Plan Commission for review and feedback before it goes to Town Council.

Ballentine asked if the bicycle lanes will be designated and clearly marked so bicyclists must stay in the designated areas. Christenson advised in certain facilities yes. She added that bicyclists can ride on any road in Town so there are going to be roads that are not marked, but this law still

applies to any type of facilities that bicyclists are allowed to ride on. Eichhorn asked if they have to stop at stop signs and the answer was yes. Bicyclists are supposed to obey the same traffic laws as vehicles. Christenson shared there will be a public education component that the Town will need to do as part of this just to make people aware.

Christenson advised the Three Feet Passing Law is a State Law now. The Vulnerable Road Users Policy is an added benefit to Pendleton and that gives the bicyclist a little added protection from box trucks and semis.

Eichhorn asked if part of the Thoroughfare Plan is a new map with road classifications and what the timeline is on that. Christenson said the Thoroughfare Plan Development starts in October of this year and will not be done for another year. That is why Planning wants to do the interim map so they have some protection in place in case we have another subdivision coming in, but Planning has not received the feedback from MCCOG on that. The Council will have to adopt a revised map that the Town can enforce.

Ballentine asked if MCCOG will synthesis the plans for Pendleton with the County plans. Christenson said yes and that those documents will reflect one another so we make sure we are all on the same page. Ballentine shared his observation of lack of capacity and lack of synergy with the county roads meeting up to the Pendleton roads. Christenson shared the Town is observing the same this summer with all of the construction projects and seeing how people manipulate and bypass around Town. Christenson shared that she is part of the Steering Committee for the County plan.

Eichhorn noted the coherence between the County and Pendleton from a UDO perspective, stating that Markleville has a new UDO and it looks almost identical the Madison County UDO and asked if that approach has been taken with Pendleton's. Christenson assumed the UDO for Madison County was developed by MCCOG and that they did the same one for Markleville and pulled from the County's. Adding that Pendleton's issues are very different than what they are seeing in the rest of the County. We need to compliment and be aware of what is going on in the County, but we do need to make sure that our immediate needs are being met in Pendleton and that our UDO and our Zoning Districts met what we need as a community.

Christenson advised that Pendleton would like a two mile planning jurisdiction and this is part of the Comprehensive Plan Steering Committee that we want to address, which would not overlap into another municipality, only into the County. There is too much going on for Pendleton not to be able to participate in what is going on right next door to us.

Intermill advised this has been going on forever. The legislature has essentially stripped annexation powers from the Town, so unless you can get a developer to voluntarily annex in so that they will be held to stricter standards, which isn't going to happen unless they really want the Town's water, we won't see this. So getting that two mile buffer to allow us to exert zoning authority would be important.

Ballentine asked if we can refuse annexation. Intermill advised we can as long as you have a factual basis to do so. For example, if there is a development that would stress the services provided by the Town making it not acceptable. Intermill added that another component we have used as a Town in the past is through the Fire Department. They provide fire protection by contract to Greene Township. Our Fire Department should look at those developments for things like road width and cul-de-sacs and turnarounds and density of housing. It doesn't mean the County has to listen to the Fire Department, but what it could mean is that the Fire Department would be in a position to reevaluate their contract with Greene Township with respect to fire protection. Intermill added that all of those things sound good but at the end of the day what we

have seen throughout the State is that everyone wants the tax dollars and development brings tax dollars. Counties can simply say that they appreciate our input but it's a County affair and they think it's good for the County and they approve it.

Hanna asked if the Council of Government is appointed or are those positions elected. Christenson advised the Council of Government is not affiliated with the County, they are a metropolitan planning organization and they are housed within Madison County's structure. They get funding from Federal Highway, not from tax dollars.

Ballentine asked who represents the southern three Townships with regard to planning and the approval of these developments. He asked if we have any representation at all. Christenson shared that she did not know how the Madison County Plan Commission is set up but knows there are County Commissioners and a Southern Representative and that they have a Board of Zoning Appeals and there is a new member from Fall Creek that is serving on the BZA. From a Town of Pendleton Government perspective, she feels we are lacking on our involvement with the County, but it is our responsibility to be more involved. This is a discussion that Planning has been having. We can do the research to see how that set up is and come up with some strategies on how, as a Plan Commission and Planning Staff, we can get more involved with County level planning and maybe make some changes that would represent South Madison community better.

Sandi Butler spoke from her seat regarding being a member of the stakeholders for the MCCOG and their main objective is looking at all of the roadways going into all of the Madison County communities and what needs done for future development. She offered to get a schedule of public meetings and stated that they do want public input.

Christenson advised Planning Staff is meeting with MCCOG on Tuesday of next week. They typically do a bi-weekly conference call but next week they are sitting down face to face. After Planning receives revised drafts of all of these documents, and it is in a more acceptable format, the Planning Staff will bring it to the Plan Commission for review and input. She indicated the PC members are welcome to stop in and talk, noting that Planning Staff wants to make sure everyone stays on the same page.

NEW BUSINESS

A. PC08142019-01: 1251 Huntzinger Blvd – Los Maguelles Outdoor Dining Area Site Development Plan Review (Amendment)

Hassett's Google Drive Presentation included the Site Development Plan Application, aerial zoning map of property, aerial photo of the property, photo of building front, aerial renderings of the property showing Project Area, along with ornamental metal fence information, Staff Findings and Staff Recommendation.

Petitioner would like to add powder coated black metal fencing around the two bays on either side of the main entrance to the restaurant to create an outdoor dining area that is fenced so they can serve food and alcohol there and abiding by State Law in doing so. Hassett noted the Town doesn't have any Planned Business Design Guideline directions on what outdoor seating should look like, apart from that outdoor seating is encouraged.

Staff Recommendation is that this petition be approved as presented.

Ballentine asked if there was any concern about the main entry drive T-ing into the outdoor seating area. Christenson shared that this is a low speed drive into a parking lot. Adding there is also a curb there.

Hanna asked about any remaining walk path around the fence and petitioner stated it will be a 4 foot walk path around the fence. Christenson asked the petitioner the location of the accessible ramp from the accessible parking area to get to the entrance of the proposed gated area. Petitioner reviewed that with her. Ballentine wanted to be sure that the 4 foot width was ADA compliant. Christenson advised petitioner that Planning would prefer 5 foot and petitioner said they could do that.

Schultz Heinz asked if there were plans for additional lighting. Petitioner advised the business owner was comfortable with the lighting and no change was planned.

Eichhorn asked if the knox box would need to be moved as it appears to be on the inside of the proposed fence. Hassett said Planning will make sure it is something the fire chief is comfortable with.

CAROL HANNA MOTIONED, SECONDED BY CONNIE SCHULTZ HEINZ, THE APPROVAL PC 08142019-01 WITH THE RECOMMENDATION OF THE 5 FOOT WALKWAY AND FIRE CHIEF REVIEW OF KNOX BOX. MOTIONED CARRIED.

B. PC08142019-02: REAL ESTATE PROS – Site Development Plan Review

Hassett advised this is a petition for an exterior remodel of the north building at 6929 S State Road 67 to be used by Real Estate Pros. The Google Drive Presentation included the Site Development Plan Application, aerial zoning map of property, Scope of Exterior Improvements Requesting Approval, aerial photo of the property, photos of building as it is today with labels of things being changed, Staff Findings and Staff Recommendation.

Hassett reported that during the review process, Planning looked at the desired exterior changes to this building, as well as how traffic would flow around the site and if it presented any public safety issues.

Staff Findings

- **Planned Business Design Guidelines**
 - Building Improvements
 - Use of at least 3 approved Façade Materials
 - Glass
 - Faux Stone
 - Concrete Fiberboard Siding
 - Windows should be transparent, not reflective or tinted.
 - Entrance should be clearly defined by at least 2 features
 - Canopy
 - Display Window
 - Lighting Fixtures should be 90-degree cut-off fixtures.
 - SHOULD illuminate entrances and parking areas
 - SHOULD NOT illuminate adjacent streets or properties

- Pedestrian & Cyclist Facilities
 - Sidewalk along Public Street
 - Sidewalk around Building Perimeter
 - Bicycle Parking should be provided
- Landscaping & Screening
 - Mechanical Equipment should be screened by vegetation or fencing.
 - Garbage Dumpsters should be screened on all sides by a 6-foot tall enclosure of wood, brick or stone.
- Traffic & Parking
 - Driveways on Arterial or Collector roads should be at least 100 feet from intersections or other drives
 - Site needs at least 20 parking spaces (1 accessible)

STAFF RECOMMENATION

Approve as presented with the following conditions:

1. Parking lot shall be striped to show at least 20 parking spaces (1 accessible at each building)
2. Light fixtures on building shall be removed or replaced with lighting that complies with PB Design Guidelines.
3. Any garbage dumpsters on site shall be screened and located according to PB Design Guildelines.
4. Weeds shall be controlled across site and around buildings.
5. Gravel shall be replaced by landscaping or lawn as shown on Google Drive Presentation
6. All conditions to be completed within 18 months.

Ballentine suggested that the parking lot lighting should be addressed before an investment is made putting in paving. Jeff Upton advised there is a telephone pole there and the Town owned the light which has been phased out and no longer maintaining. Real Estate Pros plans to put a dusk to dawn light there and adding flood lights on the building corners to illuminate. Hassett reiterated that her staff recommendation is that the lighting complies with the Planned Business Guidelines.

Upton said one thing that had been discussed was splitting the electrical. Hassett reported that following the approval of Nailed It conditional use, the Town is happy to install the additional meter at that site. Ballentine asked if that would require any transformer investments as a result of providing power to now a contractor and the Real Estate Pros. Upton reported that the power comes from the southern building overhead and the transformer box is north of their building and they can bring the wire in underground. Jeff added that they plan to eliminate the aerial wire between the buildings.

Shultz Heinz asked the relationship between the contractor and the petitioner. Upton advised they are in a joint venture with Just Nailed It. They do not plan to remodel the south building at this time.

CAROL HANNA MOTIONED, SECONDED BY CONNIE SHULTZ HEINZ, THE APPROVAL OF PC08142019-02 WITH STAFF RECOMMENDATIONS AND COMPLETED WITHIN 18 MONTHS. FOLLOWING THE BELOW CLARIFICATION, MOTION PASSED.

Before casting his vote, Ballentine asked for clarification on the Town's pole and light in the middle of the parking lot, which is grandfathered to be removed. Hassett advised that is a Public Works matter and Public Works has made it clear that they are grandfathering out that system. She noted that Jeff Barger, as Director of Public Works, will handle that side of it. Ballentine's concern is that he does not want any expenses hitting the property owner they were not expecting if they were hoping to use that pole. Upton advised that he and Jeff Barger have discussed this matter.

Helen Reske addressed the Plan Commission with continued concerns about Carrick Glenn along with the development going in on Old 132. She shared statistics she put together regarding increased cars on the Pendleton roads. She reviewed the Vision Statement of the Comprehensive Plan regarding increasing tax base, as well as the Transportation Goal of the Comprehensive Plan and the Communication Goal. She noted Infrastructure Goal and asked if the Town implemented Impact Fees to support the infrastructure. She asked that the board members go back to the Comprehensive Plan and ask themselves if these two developments are fitting into the Comprehensive Plan. She would like Carrick Glenn to come up for a revote.

Intermill addressed Mrs. Reske to clarify a couple of things. The Plan Commission absolutely considered the Comprehensive Plan and that was a point of quite a lot of discussion in the two or three public hearings that went for hours. The Comprehensive Plan was part of their overall decision. Regarding a re-vote, the Plan Commission's final actions stand. There is not a mechanism in Indiana Law that allows the Plan Commission to go back and decide again or rehear it again. Nor the Town Council. They act independently. The Law gave them a job to do and they did it and they are done.

Reske stated that one of the things that has been stated to her personally and officially was that this was passed to expand the tax base. She said the Comprehensive Plan stated the Town will never sell our soul or turn our backs on our heritage simply to attract new businesses or expand our tax base. She asked Intermill, if there was a way to challenge this, would he get a copy to her.

Intermill stated that was not his role and she is welcome to seek her own legal counsel for that, but he cannot advise her on that. He also shared that this idea of expanding the tax base, he understands her reading of it, but his personal view is that she is reading it too narrowly and the way she is reading it would mean there would never be any development. Any development will affect the tax base in the Town of Pendleton; commercial, residential or otherwise. As far as the motivation for voting on something, the tax base cannot be the sole basis for approving something. He cannot speak for anyone's vote, but as an observer he didn't hear that being the sole basis or even a primary basis. He indicated he believed the meeting minutes reflect that.

Intermill also shared that Impact Fees are a special thing and cannot go towards police salaries or fire salaries. They have to go towards infrastructure type projects. He added that Impact Fees are something that Planning Staff is looking at and the Council is considering, and this did come up in those hearings. If the Town imposes Impact Fees next week or next year or any point before the last house in Westport's development is built, those Impact Fees will be imposed. The reality is, if you can free up general money funds from Impact Fees to go towards infrastructure then that allows general fund money to go towards salaries and that is an effective way the Town can provide additional services in this era of property tax caps.

Eichhorn advised Mrs Reske that not everybody on the Plan Commission voted yes. He also noted he has seen other communities nearby who, in their PUD process, included public safety commitments from the developer. He asked if the board could make a motion for a memorandum to go to Town Council to encourage them to engage Umbaugh to do a fiscal study so we can start establishing park, infrastructure and bridge Impact Fees. Intermill said absolutely.

Christenson advised that Planning is working on a presentation to go to Town Council in October to open up that discussion about Impact Fees. She believes it would be excellent to have Plan Commission support. If the Plan Commission feels strongly about it and wants to submit a memorandum, Planning Staff would be happy to include it in their presentation to the Town Council.

Intermill stated that once Impact Fees are in place, every building permit that is pulled would be subject to the Impact Fees. Eichhorn noted Carrick Glenn will not be pulling permits until spring. Intermill suggested at the September 11th Plan Commission meeting, he can draft a proposed letter from the Commission and the Commission can review it and tweak it and that would be in time for the Planning Staff's presentation to Town Council in October.

Ballentine asked if there needed to be a motion tonight for the Plan Commission to encourage the Town Council, he would be willing to make that motion. Hanna indicated she was not comfortable agreeing to something without seeing something and making it part of our agenda. Intermill said he can take that by consensus, put a draft together and it can go on the Agenda for the September meeting.

Reske thanked everyone for starting this process and believes it is the beginning of what is needed. She provided a copy of her presentation to everyone present at that time.

Sandi Butler addressed the Commission and asked what the process would be to put in a three-way stop at Fall Creek Drive and Pendleton Avenue. Christenson recommends that, in situations like this, a traffic study be done of the intersection in question. If recommended by a traffic engineer that a particular treatment be done to that intersection, Planning would recommend that that change get made. However, if we go through the traffic study and it shows it is not warranted at that time, then Planning would go with what the traffic engineer said.

Intermill suggested that we get a quote for the traffic study. He indicated that this is similar to the Impact Fees and is not really under the Plan Commission, but it is certainly something that effects the petitions that come before the PC so it is appropriate for the PC to weigh in and consider those things because the PC hears concerns and review plans that the Council doesn't always hear and review. It helps the system work better if the Plan Commission, the BZA, the RDC, the HPC are all working with the Town Council to address those components. In closing, he noted that Rachel was correct in her statement about the traffic study and going through that, as there are also statutory reasons for doing that and legal liability reasons.

Butler suggested that the study not be done until it is more warranted which will be when the two developments go up.

Ballentine pointed out that we may want to pull the original bridge planning for the bridge redevelopment over Fall Creek because there was a discussion of a bridge design that would put a three-way stop there but he doesn't believe that design was implemented. He believes there are federal guidelines about distances from the bridge and on the bridge and how those stops are located. Some of that information might still be archived. They were active discussions when looking at the roadway path and potential implications of taking property from the park, the routing and the bridge layout. Those still may be accessible from the County or the historical records.

Christenson advised MCCOG does traffic counts throughout the county. Planning usually starts with MCCOG if there is an intersection we are concerned about and they can pull crash records from the intersection of concern and then move on to the traffic study if warranted.

Ballentine asked if we should look at the intersection of N Pendleton Avenue and State Road 67. Christenson said she would pull the data regarding that intersection because she believes that both MCCOG and INDOT reviewed the data and both concurred that it did not warrant an upgrade at that time.

With the proposed developments going in, that may change. Adding, if we discuss this at the next meeting, she can forward the PC members the study information for that intersection. She added that SR 67 is a State facility and the Town does not have jurisdiction over it. The Town can make recommendations and do traffic studies, but ultimately it is their facility and they make decisions on treatments are warranted. Discussion continued regarding numerous difficult intersections with State Road 67.

Eichhorn suggested as a preliminary step that the speed limit on State Road 67 be reduced from 55 down to 40 or 45 mph. Intermill reported that was part of Christenson's presentation and the Town has tried to do just this, but INDOT is reluctant to change it. He added that the N Pendleton Ave and SR 67 intersection has been an item of discussion ever since he has been coming to Pendleton.

Meeting adjourned at 8:40pm.

Kate Edwards
Planning Clerk Town of Pendleton