

The Pendleton Plan Commission (PC) met on September 11, 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 Attorney Alex Intermill and Planning Clerk Kate Edwards.

Others in attendance were Helen Reske of 845 S Pendleton Ave Pendleton, Sandi Butler of 178 Fall Creek Pkwy Pendleton, Michelle Skeen of 157 Chateau Drive Pendleton, Mark Isbell of 382 Blue Spruce Dr Pendleton, Neil and Alberta Potter of 487 Redwood Drive Pendleton, Jack and Janice Radford of 6340 S 425 W Pendleton, Brandon Kendera of 739 Main Street Anderson, Lyn Hamel of 419 Redwood Drive Pendleton, Chris Taulman of 316 Dogwood Drive Pendleton, Todd and Jason Jones of 461 Redwood Drive Pendleton, Gary Dix of 645 N Pendleton Avenue Pendleton, Brian and Jill Brooks of 475 Redwood Drive Pendleton, Josh Ring of 203 Broadway Pendleton.

## MINUTES

**KYLE EICHHORN MOTIONED, SECONDED BY BRAD BALLENTINE, THE APPROVAL OF THE AUGUST 14, 2019 MEETING MINUTES. MOTION CARRIED.**

## OLD BUSINESS

### A. Unified Development Ordinance Update –

Christenson gave an overview of what a Unified Development Ordinance (UDO) is, as presented on Google Drive. She reviewed the Timeline also available on Google Drive Presentation.

Since the August PC meeting, the Planning Workshop has completed substantial work on the zoning districts. There has been an additional Steering Committee meeting and each proposed zoning district was reviewed and discussed as to what would and what wouldn't work for Pendleton. Planning Workshop was provided the Steering Committee feedback and they are working on updates based on that feedback. Steering Committee also did substantial work on our Plan Commission Processes like our Subdivision Processes, our Primary and Secondary Plats and Rezoning.

There will be a third Steering Committee meeting sometime this fall and will keep moving things along. One topic will be Site Development Standards in hopes of making that process easier and more understandable.

The UDO presentation included a chart of Current Zoning District vs Recommended Change. The recommendation included splitting out Single-Family Residential District into four categories instead of all under one. Also the Planned Business District recommendation is to divide into Neighborhood, General and Heavy Planned Business. Also the Planned Industrial District recommendation is to divide into Light and Heavy Industrial. Conversation ensued on what would be considered Heavy Planned Business and Heavy Industrial. More specific qualifications will be provided at a later date.

### B. Thoroughfare Plan Update –

Christenson gave an overview of what a Thoroughfare Plan is, as presented on Google Drive. She reviewed the Timeline also available on Google Drive Presentation.

Christenson introduced Brandon Kendera of Madison County Council of Government (MCCOG). Kendera explained that MCCOG is one of fourteen Municipal Planning Organizations (MPO) in the State of Indiana. They are made up of a Policy Board of the area that includes Madison County, parts of Hancock County (Fortville) and parts of Delaware County (Daleville). Elected officials of those areas sit on their Policy Board. The Pendleton Plan is broken into two parts: Ordinance Development and Planned Development. The Ordinance Development should wrap up by October or November of this year. Planned Development will kick off the end of this year and wrap up December 2020 or January 2021.

Kendera advised that the Thoroughfare Plan will be amended into the Comprehensive Plan and will guide the short and long term vision for the transportation system. Indiana Code 36-7-4 allows effective vehicular movement, encouraged effective use of land and makes economic use of public funds.

Kendera reviewed the Ordinance Plan proposed interim Thoroughfare Plan Map via Google Drive. He advised there will be a brand new map part of the Plan Development which kicks off in November and will be adopted in December 2020 or January of 2021. The full public engagement will begin later this year and more vetting of this process for the map. Christenson added this was being presented tonight as an introduction so the Commission could take it home and digest it and next PC meeting provide any feedback or discussion.

Ballentine asked why the 73<sup>rd</sup> Street Extension was not indicated on the interim map. Christenson advised the 73<sup>rd</sup> Street Project is going to be called the 67<sup>th</sup> Street Project and, although the paper reported that Pendleton was on board and moving forward with it, that was not entirely accurate. The Redevelopment Commission is considering it right now and it will be talked about at the September Town Council meeting. Because nothing is set in stone yet. That was a project that had some Federal earmarked money from the early 2000s or 1990s. It went away for a while and recently picked back up. They did an environmental review of it. The RDC and Town Council at the time agreed to participate in the environmental review. There were public input sessions at that time. The environment piece of it is being wrapped up now. There is still money left over for the design. The City of Anderson is requesting that the Town of Pendleton participate in the Pendleton portion of the design, which is the piece between Old 132 and State Road 38. It is not reflected on this Thoroughfare map but that is the piece they are considering for the design work. The alternative design was across Old 132 bridge over I 69 and came down on the East side of the interstate, but that was not preferred because the bridge and local roads would have needed a lot of work and money to handle the traffic.

Ballentine asked why the map reflects areas that change from Primary Arterial and back into a Collector status. Kendera advised that was not in the Town of Pendleton so is jurisdictional.

Kendera's presentation then included discussion about the Three Feet Passing Law, advising motor vehicles must give three feet to the left of a bicyclist for passing. This language came from the State law.

He advised the Vulnerable Road Users Policy protects pedestrians, wheel chairs, kids walking to school and it includes car doors opening and striking a vulnerable road user. This is very enforceable by the Town police and Judge. It does state that bicyclist must observe the State of Indiana motor vehicle laws because they are treated like motor vehicles. Fine amounts will be finalized by the Town in the future.

Ballentine asked if skateboarding and roller skates are allowed on public thoroughfares. Christenson said that the Town can look into that deeper. Noting there are areas in Town that may not have sidewalks and people could be using the street. That would need to be considered.

Right-of-Way Dedication Ordinance is proactive rather than reactive and indicates that a developer building roadside would have to give half the distance of that to the center line. Right of Way Acquisition is very costly so to get the dedication upfront for no cost would save a lot of money in the future. New development, whether residential or business, may increase the use of that road and the Right of Way will give the Town opportunity to improve the road in the future. Eichhorn suggested the wording be changed to whichever results in a greater distance: center of physical roadway or property line. Christenson felt it could be written in that way.

Kendera indicated that they are continuing to work with the Town. Noting that Kayla Hassett and Rachel Christenson have been fantastic to work with. MCCOG is still in the process of updating and finishing the draft of the Complete Streets Policy and the Access Management control Ordinance. Those two things will be finished this week and given back to the Town and MCCOG is right on schedule for the Ordinance Development portion of the Thoroughfare Plan to be wrapped up by October or November this year and then they can start the Planned Development portion of the Thoroughfare Plan.

## **NEW BUSINESS**

### **A. PC09112019-01: The Falls Subdivision (near 360 Old SR 132) – Replate of 5 lots to allow for additional right-of-way – Mark Alt (Coronado Ridge Development)**

Hassett advised that the Planning Department encouraged this replat as this subdivision was beginning to look at starting construction, because the old 2008 plat did not offer any options for connectivity. Planning felt this was something the developer and the Town could get behind with very little time. The change is a stub out for a street to the North, dead ending into an existing corn field.

Google Drive Presentation included the Secondary Plat Application, a map of The Falls 2008 plan, and the Servies diagram of the replat with proposed connectivity, Staff Findings and Staff Recommendation.

Hassett reported the same number of lots will still exist, though they are a different shape. Two lots are larger, three are smaller, for an average change in lot size of approximately a 2% increase. The Comprehensive Plan backs up Plannings desires for this to happen, as it encourages developments to maintain or expand the grid system to create better connectivity and more efficient use of infrastructure. Hassett shared this was not something the developer had to do, but Planning was happy to hear they were willing to do this. The Pines already has road stub outs and Carrick Glenn, as well as on County Road 425 W with reserved right-of-ways.

#### **Staff Recommendation**

Approve

Hassett introduced Steve Servies of Servies Engineering & Surveying LLC representing the petitioner. Servies advised he worked with Planning and the developer to come up with this solution so there could be a sub-street and not lose any lots.

Pritchard asked for explanation on the cut between Lot 15 and Lot 16. Servies advised that is the easement area where the sanitary sewer and storm sewer comes into the subdivision. They were set up that way since pipes were already partially there. Eichhorn asked if the center line of that cut, that looks like a lot line, should be dashed. Servies felt that was reasonable and could be done. Eichhorn also referenced the additional line on the east side of Lot 15 and south. Servies indicates that has already been removed. Eichhorn also noted he did not see recording reference

to the existing plat and felt it would be nice to reference the instrument number of the existing plat on there somewhere. Servies said they could certainly add that.

Chris Taulman addressed the Commission and advised ten years ago the Town decided it would be okay for this subdivision to connect into a privately owned pond in The Pines. Noting the property owners own out to the center line of that pond and every year the owners get together and pay a \$1500 fee to AP Aquatic to clean it. Taulman indicated that already The Falls subdivision has added four to five inches of mud and soot to this already low pond. He would like some sort of commitment from either the Town or Coronado Homes to put money into fixing and maintaining this pond.

The presentation microphone began to malfunction and presenters were inaudible.

Pritchard asked clarification from Taulman that his contention is that runoff from The Falls is going into the private pond in The Pines. Servies indicated that it absolutely is and was intended to. Taulman advised he had photos previous to their work. Christenson reported they did have a response from the contractor because Planning did look into this after Chris Taulman brought it to their attention and they will find that information and share his response. Eichhorn asked where their NPDES posting box on site was. Christenson said they would also get that information. Pritchard asked Christenson if they could also put in a request for information from Coronado Homes concerning their commitment to take care of that pond previously. Taulman said he had been in communication with them and they have been responding via email but no commitment of any kind to do anything. Legally they are not obligated because they got approval from the Town at that time to hook into it. He spoke of the amount of rain this spring and how the pond almost over went the emergency embankment adding, if that happens, that pond is gone. Pritchard asked if that information would be on file with the Madison County Drainage Board. Servies said very possibly. He indicated they did have to go through Madison County Drainage Board and their review engineer for approval for use of the retention pond, the amount of runoff that was going into it, so it was analyzed with this new subdivision and the existing subdivision to the east.

Ballentine asked why the drainage going was north and east into an existing residential area. Hassett advised that The Falls and The Pines were owned by the same company at the time the cross over drainage was approved. It would not have been approved today. She added it is staff recommendation that The Pines and future residents of The Falls form an HOA for the sole purpose of contributing to storm water maintenance of these ponds and that way everyone is paying their fair share. Hassett noted that Carrick Glenn has all of their drainage in common areas and they have to have an HOA.

Eichhorn indicated they cannot change anything that has happened so far on the connection. Whether we re-plat it or not it will still drain into the same place. This doesn't change or fix the issues that are existing, but the stub to the north makes sense. Pritchard agreed, but added they need to follow up with Coronado and their commitment to clean and help maintain that pond they are benefitting from. Taulman said he would appreciate that very much and agreed to forward photos to the Planning staff. Eichhorn noted that if they find original drainage calculations with the Madison County Drainage Board, those are going to be based on the pond how it was supposed to be built 25 years ago, so if relying on those calculations we almost need a topography of the bottom of the pond to know what kind of capacity it has. Or, that should be a requirement of Coronado at this point to tie into it to verify it is still capable of handling what it was designed for.

Ballentine asked who has the liability if that pond does not have the capacity to handle the water and should it flood and damages either the pond or impacts the homeowners. Eichhorn asked if

the outlet for that pond is the same tile Westport will be tying into and was advised it is not, but the ultimate destination is the same, due South but East of the one being discussed.

Pritchard asked if they could receive those documents at the next meeting, to make sure it is being followed up with. Something from Coronado stating their commitment on the pond and/or what we can find on file with the Madison County Drainage Board. Hassett advised Staff does have a drainage report for the Falls when the subdivision was platted back in 2008, making a point to make sure that pond is still in the same condition it was when that approval took place. She stated Staff will look into that and will make that part of inspections versus part of this plat process.

Hassett requested that the Commission separate the drainage issue from the plat issue, since if this is denied, it simply reverts back to the way it was originally platted.

Hanna would like to see minutes from 2008 when this was discussed, just to help remember. This does bring up something discussed before, and that was should there be a time limit because things do change and eleven years ago things were different than they are today. Christenson agreed and noted that what makes this one a little different than the PUD west of 69 is that this one was recorded. The PUD went through the Primary Plat process but never got recorded. She didn't believe there are any legal tools. Hassett advised that Primary Plats do have a limit of four years to get the Secondary Plat recorded.

Hassett added Westport will be posting Maintenance bonds before the Secondary Plat is recorded. If it takes them longer than four years to plat out the entire development, they will have to come back before this Commission to ensure the Primary Plat still suits the Town's needs.

**HANNA MOTIONED, KYLE EICHHORN SECONDED, APPROVAL OF PC09112019-01, TO REPLAT THE FIVE LOTS AS PRESENTED. MOTION CARRIED.**

#### **B. Impact Fees Discussion**

Christenson reminded at the previous PC meeting the Commission had requested from Alex a letter the PC could present to Town Council so they would know of the interest in having impact fees developed. As presented on Google Drive, the Commission located the May 2019 memo from Alex to Staff outlining the entire impact fee process and the six steps it takes and also the letter to the Town Council Alex provided.

As an overview, impact fees are specific charges imposed on development for "capital costs" to public infrastructure like parks, roads, or utilities. The six steps include:

1. Establish Impact Fee Advisory Committee. The advisory committee would be composed of 5 to 10 members with at least 40% representing the development industry.
2. The Town must prepare a zone improvement plan describing current infrastructure and how it is expected to change with estimated development.
3. Develop method for calculating and applying impact fees.
4. Introduce impact fee ordinance to Town Council.
5. Adopt impact fee ordinance.
6. Impact fee ordinance becomes effective.

The memo went into additional details like things you can and cannot do with the impact fees.

Overall, Planning Staff supports the impact fee process. Christenson added that the Park Board is working on their five year master plan update and they also have a steering committee working to put that plan together. At the first steering committee meeting, the impact fee was a big topic of

discussion. So at the park board meeting end of month, Christenson will likely present the same memo and letter to them as well showing their support of this to Town Council, as she felt pairing the two together needs to be looked at and hopefully a cost savings in doing so.

Intermill shared that this process is effectively the same process as adopting a zoning map with going through rezone. The PC has a roll, Town Council has a roll, there is a public hearing component to it, but then, provided the commission approves the Ordinance, you would certify it to the Council like with a rezone. Part of the letter is asking the Council to authorize getting an engineer, financial consulting involved. It is an extensive process to go through, but at the end of it you have a mechanism to offset these capital costs that new developments are creating for the Town.

Ballentine asked for clarification that the impact fees have no financial implications for the existing residents. Intermill advised that was correct.

Christenson noted that if this is completed within the next year, even with Westport Homes, anything that hasn't had a permit pulled on it, those future permits will be effected by these impact fees. Ballentine asked for an estimated timeframe to execute this process. Intermill advised that a lot of it has to do with the Parks component, and he agrees with Rachel that there may be some savings if we can coordinate with the Parks on that piece. Share an engineer, share financial and legal expenses. He added there is a six month delay after you impose the impact fees. So probably one year. If we started now, he felt one year from now we could be collecting the first impact fee.

Eichhorn asked if there were estimated costs associated with the needed studies. Intermill shared it is not very legally intensive so that part should be minimal. Primarily the costs will be engineering and financial consultant pieces of it because they need to develop the zone, the anticipated infrastructure, immediate and then ten years down the road, and then working with CPAs to figure out what that actually means for a fair impact fee because in the end, there is a mechanism where people to appeal the impact fees. We want to make sure the Town is in a position to successfully defend the impact fees.

Intermill went on to explain how the funds can be used depending on how the ordinance is written. For example, the impact fees would be designed to address the bulk, if not all, of the roads, sewer, of that development. But it depends on what you direct how the impact fee ordinance looks. You don't have to have an impact fee that goes towards streets and sewers. You could have an impact fee that is sole designed to collect the infrastructure cost for parks and recreation and that it all goes there.

Intermill recommended that it begin as a comprehensive set of fees that address all of the different issues that will be under pressure. Christenson agreed. Intermill thinks that's where we start and then see what the numbers are on the impact fees as the plan develops.

Intermill advised that the Town Council holds the purse strings so they will have input, but this is really a Plan Commission directed initiative and the committee is a big part of this as well. The Town Council President appoints the committee members. The Plan Commission members are pretty close to checking all of the boxes for required expertise that you need to have on there. It does not have to be the Plan Commission members on the committee, but it can be, or it can be a combination of both.

Hanna voiced reluctance to submit the prepared letter to the Town Council because it states the PC feels the costs of the engineering, financial, legal are justified and will ultimately augment, without putting the time into researching what those costs will be. Intermill shared that line was

put in based on what we see from other communities and planning seminars, and say the costs are \$50,000 and the impact fee turns out to be \$2,000 per lot per building permit that is pulled, it won't take too many houses where you are even and moving forward. Hanna did feel they should move forward with the letter to the Town Council.

**BRAD BALLENTINE MOTIONED, SECONDED BY CONNIE SCHULTZ HEINZ, APPROVAL OF THE LETTER PRESENTED BY ALEX TO THE COMMISSION FOR SIGNATURE BY THE PRESIDENT OF THE PLAN COMMISSION. MOTION CARRIED.**

Meeting adjourned at 8:15pm.

Kate Edwards  
Planning Clerk Town of Pendleton