

I. CALL TO ORDER

The Pendleton Plan Commission (PC) met on January 6, 2021 at 7:00 pm at 100 W State Street, Pendleton, Indiana. The meeting was called to order by Tim Pritchard at 7:06 pm.

II. OATH OF OFFICE

No oath of office taken.

III. ROLL CALL AND DETERMINATION OF QUORUM

Commission members present were Tim Pritchard, Kyle Eichhorn, Jenny Sisson, Connie Schultz-Heinz, Carol Hanna, Brad Ballentine and Cheryl Ramey-Hunt. A quorum was established.

Representing the Town were Planning Director Rachel Christenson, Planning and Zoning Administrator Kayla Hassett, Town Attorney Jeff Graham and Clerk Denise McKee.

Others in attendance were Becky Perry of 7031 S 300 West of Pendleton, Indiana, O'Dell Cantrell of 4095 W 950 South of Pendleton, Indiana, Nathan Althouse and Keith VanWienen representing Miller Surveying, Brandon Kendera representing Heartland Metropolitan Planning Organization, Benjamin Houle representing LandWorx Engineering and Steven Hughes representing Fall Creek Corners.

IV. ELECTION OF OFFICERS

A. Brief Summary of Plan Commission's Role and Board Member Responsibilities

Kayla Hassett provided the following overview:

1. Plan Commission Officer roles consist of President, Vice-President and Secretary
 2. President and Secretary sign Plats
 3. In absence of the President, the Vice-President runs the meeting
 4. Planning Staff will provide the day-to-day office duties and accepts/reviews any requests
- Kayla Hassett expressed appreciation for the PC members' expertise given and commended them for their commitment to how the community grows.

B. **President – Motion to nominate Tim Pritchard as President made by Carol Hanna, seconded by Kyle Eichhorn; roll call taken and all members voted in favor of motion; motion carried.**

Vice-President – Motion to nominate Kyle Eichhorn as Vice-President made by Carol Hanna, seconded by Tim Pritchard; roll call taken and all members voted in favor of motion; motion carried.

Secretary – Motion to nominate Carol Hanna as Secretary made by Tim Pritchard, seconded by Kyle Eichhorn; roll call taken and all members voted in favor; motion carried.

V. APPROVAL OF MINUTES FROM PREVIOUS MEETING

CAROL HANNA MOTIONED THE APPROVAL OF THE NOVEMBER 4, 2020 MEETING MINUTES AS WRITTEN; SECONDED BY JENNY SISSON. ROLL CALL WAS TAKEN AND ALL MEMBERS APPROVED. MOTION CARRIED.

VI. OLD BUSINESS

A. **Thoroughfare Plan Update –**

Rachel Christenson provided an update of the Thoroughfare Plan Update on Google Drive. The Timeline also available on Google Drive Presentation.

Progress made since the November Plan Commission meeting:

- Working Session between MCCOG and Planning Staff was held on December 22, 2020.
- Starting the adoption process for the Right-of-Way Dedication and Access Management and Control Ordinances at tonight's meeting.

- Next Steering Committee Meeting (#5) to be scheduled end of January/beginning of February.
- Will continue to stay on track with present timeline.

B. Unified Development Ordinance Update –

Rachel Christenson provided an overview of the Unified Development Ordinance Update and available on Google Drive. The Timeline as well as report from The Planning Workshop, Inc. also available on Google Drive Presentation.

Progress made since the November Plan Commission meeting:

- UDO Monthly Report #6 is included in the Plan Commission Google Drive folder.
- Second Focus Group Meeting was held on December 9, 2020. Group focused on residential design guidelines. Minutes have also been included in Google Drive for review.
- All Chapters have been reviewed by Staff. Specialty areas, such as historic preservation overlay, sign ordinance, buffer-yards still need further development.
- Monthly report will be provided as promised to keep on track with project.
- Third Focus Group Meeting to discuss with town leadership as to what is planned. Wish to communicate what leadership desires.
- Next steps to include:
 - Take to Steering Committee, then to Plan Commission, in which additional Focus Group meeting will be set to focus and wrap up the residential design guidelines.
 - Final Steering Committee Meeting date will occur during first quarter of 2021.
- Christenson provided the additional updates:
 - Project is about 80% complete.
 - PC members will see full draft of the UDO.
 - Plan to bring full draft of the UDO to PC in April 2021, either before or after public input in which Christenson will confirm this input timing.
 - Moratorium ends in six (6) months from November which is in May; therefore, draft UDO will fall before the lapse of the moratorium.

VII. NEW BUSINESS

A. Right of Way Dedication Ordinance

Rachel Christenson provided an introduction of the two proposed Ordinances -Right of Way Dedication Ordinance and Access Management and Control Ordinance and proposed timeline for adoption available in Google Drive Presentation on Google Drive. Christenson stated the following:

- MCCOG invited this evening to present the two Ordinances and will be presented by Brandon Kendera of Heartland Metropolitan Planning Organization.
- Looking for recommendation from the PC members in the February PC Meeting, to then take to Town Council in February for first reading and in March for second reading.

Brandon Kendera, MCCOG Project Manager for the Pendleton Thoroughfare Plan stated the following before giving presentation:

- In presentation, to provide a brief introduction of both Ordinances and asks the PC members to go over in depth before the February Plan Commission meeting to then take recommendation to the Town Council Meeting in February.

Brandon Kendera presented the following overview of the Right of Way Dedication Ordinance:
(Document provided in Google Drive)

- Section 1.1 Purpose and Intent – Ordinance establishes guidelines for the applicability, conformance, and extent for dedication and deeding of right-of-way. Ordinance is essential to the preservation of existing and proposed transportation corridors that are expected to require improvements due to increasing traffic.
- Section 1.2 Applicability – Property owners shall be required to dedicate right-of-way to the Town in accordance with the prescribed width per the Thoroughfare Plan Map. Dedication is to occur when it is found reasonably necessary to mitigate an impact or any future impact which is a result of a proposed development or redevelopment.
- Section 1.3 Extent, Conveyance, and Timing – All dedicated right-of-way for any development shall conform to the minimum widths identified within the Thoroughfare Plan Map.

B. Access Management and Control Ordinance

Brandon Kendera presented the following overview of the Access Management and Control Ordinance:

(Document provided in Google Drive)

- Follows INDOT Access Management Guide in which INDOT provides the template as to access control for the development and redevelopment of the land.
- Planning Director can still adopt variances and exceptions, which is good to have this flexibility.
- Ordinance contains nine (9) different Sections including the following:
 - Section 1.1 Purpose and Intent
 - Section 1.2 Applicability
 - Section 1.3 Roadways Subject to Access Management Regulations
 - Section 1.4 Driveways and Related Access Standards
 - Section 1.5 Service Drives and Other Shared Access Standards
 - Section 1.6 Temporary Access Permits
 - Section 1.7 Nonconforming Driveways
 - Section 1.8 Waivers
 - Section 1.9 Repayment Policy

Rachel Christenson commented that the Planning Department has been able to take this information and apply to current projects.

C. PC01062021-01:JATEC Commercial Lots Secondary Plat – 7550 S SR 67 (Miller Surveying)

Kayla Hassett presented the following: (Secondary Plat Application and maps provided in Google Drive Presentation)

- Two plot commercial lot, Zoned Planned Business and located at 7550 S SR 67
- One building on north lot, Lot #1 south of Pizza King and known as Sisson Dentistry
- Petitioner came before the PC in October/November with Primary Plat and had items to discuss before Secondary Plat finalized.
- Petitioner has been able to appoint layout as to ingress & egress on Lot #1 which was simplified for shape of driveway to occur.
- Each lot 43,500 square feet or 1 acre
- Roadway easement to be abandoned and utility easement to be reduced to 30 feet
- Currently no road with only grassy lane, but has water/sewer lines and utility runs in the back of the lot
- Land survey provided
- Aerial images provided for review
- Ashbury Pointe has developed and Petitioner has reached out to them regarding the removal of the easement; formal agreement will be obtained.

- Planning Staff Findings include:
 - Reduction/Removal of Easements – Are the easement beneficiaries in favor or reduction/removal of easements across Lot 2?
 - Survey Methodology – 1. How did surveyor draw east and west boundary lines? INDOT plans? Please site sources. 2. Others noted on plat very technical in nature.
- Staff recommendation – Table, or give staff ability to approve once all issues have been addressed.

Nathan Althouse presented the following information:

- Notes added on bottom of Secondary Plat as know they have to get an agreement with the eastern adjoiner. Currently have verbal agreement, but formal agreement/signed document forthcoming as expect no issues.
- Want to remove 40 feet roadway easement; reduce 40 feet utility easement to 30 feet.
- Confirmed the Town of Pendleton and FCRW will have the opportunity to review proposed changes and will reach out to FCRW for input.
- Tim Pritchard expressed concerns as still too many unanswered questions and proposed motion to table until next month.

Motion to Table PC01062021-01: JATEC Commercial Lots Secondary Plat – 7550 S SR 67 (Miller Surveying) until the February Plan Commission Meeting made by Tim Pritchard; seconded by Connie Schultz-Heinz; Roll call taken and all members voted in favor of motion; motion carried.

D. PC01062021-02; Pendleton Veterinary Clinic Site Development Plan (Amendment) – 1011 S. Pendleton Ave. (Graf) = Agenda item tabled to February PC Meeting

E. PC01062021-03; Fall Creek Corners Primary Plat – 3104 W US 36 (LandWorx Engineering)

Kayla Hassett presented the following: (Primary Plat Application and maps provided in Google Drive Presentation)

- Benjamin Houle (LandWorx Engineering), Steve Hughes (Property Owner) and Keith VanWienen (Miller Surveying) all present in representing Petition.
- Primary Plat for Fall Creek Corners, Hughes property.
- Property recently had partial Site Development Plan submitted in regards to Biggby Coffee drive-thru and parking lot improvement; looking very nice.
- Primary Plat submitted divides property into 3 lots.
- Total lot size is four acres and butts against 300 West on the east border.
- Land survey shows parking, encroachments and utilities.
- Petition meets Planned Business Design Guidelines.
- 75 feet off of State Road 67; One lot is smaller, but can accommodate planned business building of footprint top.
- Three lots will share parking lot and therefore removed parking set-backs, yet will want covenant/agreement in place regarding the parking lot.
- Images show existing improvements and future improvements.

Rachel Christenson commented that the Thoroughfare Plan recommends that 300 West gets bumped up to a collector road to get improvements. Hassett added that there is currently no right-of-way, but keeping in mind with requests.

Staff Findings:

- This Plat meets the requirements set forth in Appendix A: Primary Plat Requirements.

Staff Recommendations:

- Approve with the condition that the building setbacks line (BSL) along SR 67 will be 75 feet.
- Shared parking and access will be formalized in recorded covenants or easements, and reviewed at the time of site development plan review.

The following discussions took place:

- Kyle Eichhorn raised a couple of points with first being that existing building not providing a 75 feet setback. Understanding that the building is currently grandfathered, should space be extended, property will need to meet the setback requirement. Eichhorn also stated that there appears to be a break in limited access line which was not cleared up with a right-of-way. Rachel Christenson replied that an access is existing.
- Benjamin Houle added the following comments:
 - Has been in touch with INDOT to discuss the improvements. Discussion of access point was not discussed, however, did discuss alignment to Highway 36.
 - Will follow-up with INDOT regarding access points, but INDOT was okay with plans when the development was previously established.
 - Intent of Fall Creek Corners Subdivision is to get other users to lead to other development plans, which will then come back to Plan Commission.
 - No plans to have another access off Highway 36.
 - Have discussed setbacks and right-of-way with Planning Staff, Christenson and Hassett.
 - Will record deed regarding shared parking to cover setback requirements.
- Kyle Eichhorn commented that the two (2) feet non-access easement may be an issue, but the Access Management Control Ordinance may resolve.
- Rachel Christenson stated that the Planning Staff will work with future development and will not approve access as have authority to not allow cut. Tim Pritchard expressed agreement that cuts can be controlled.
- Tim Pritchard raised concerns regarding drainage issues and that the property is very wet in the fall. Benjamin Houle replied that they have developed a plan for a retention area and outlet that flows to the west of the property. Houle also commented that they have had conversations with INDOT and that grades will be raised to minimize the water retention. Houle added that the owners of the other two lots will likewise need to raise their grade.
- Becky Perry from 7031 S 300 West of Pendleton, Indiana presented the following information and concerns to the Plan Commission members:
 - Lives in red brick home, north of Fall Creek Corners Subdivision
 - Only property owner that has a basement in the area and has lived in the home since 1967, witnessing a lot of standing water in that area.
 - When the nearby car wash was built, the grade was raised and concerned how water will flow if Fall Creek Corners likewise raises their grade.
 - Drainage pipe running under Highway 67 is never cleaned out resulting in standing water.
 - Seeks water issue to be addressed and not flow to the north or east of the Petitioner's property, but to the south.
 - Concerned with potential access to 300 West as very close to the Cantrell's property.
 - A lot of traffic off Highway 36 and Marsh Plaza.
- Rachel Christenson confirmed that there is plans for stub out that could create access to 300 West, but not until the land is developed.
- Tim Pritchard commented that the elevation is poorly graded; therefore, not allowing water to run off.
- Benjamin Houle also stated that the grade is currently not good and trying to pull off Cantrell's property and onto Fall Creek Corners. Houle further stated that they intentionally left space to address drainage issue, but depends on what develops in these spaces.
- Becky Perry shared that the following also needs to be addressed: 1. North side of property is already a 4.5 feet drop and 2. Water runs down the road when it rains.
- In response, Rachel Christenson stated that the Town needs to address the following:

- As the Town upgrades the road, issues on 300 West will need to be resolved in addition to issues on Highway 67.
 - Thoroughfare Plan will be addressing many of these issues.
 - Past modification will also need to be reviewed and remedied.
 - Confirmed individual drainage plans will need to be submitted once lots are developed.
- Christenson thanked Perry for her comments and input. Christenson also reminded the PC members that petition in front of PC tonight is the splitting of the Primary Plat in which setbacks will be addressed, but once the land is developed, earthwork and drainage work will have to come back to PC for review.
- Becky Perry asked if homeowners will get noticed when the lots are sold. Rachel Christenson replied that the homeowners will not receive notice of the sale, but if buyer makes any changes as to the Site Development, buyer will need to come back to PC which requires noticing as in this petition.
 - Brad Ballentine asked if the Town of Pendleton is responsible for maintenance and upgrade maintenance on County Road 300 West. Rachel Christenson replied that the road falls within the jurisdiction of the Town of Pendleton; therefore, would be responsible for maintenance. However, Christenson clarified that should a Traffic Study reveal that a turn lane would be required, the developer would have to cover the costs.
 - In response to Brad Ballentine's question regarding sidewalks, Rachel Christenson confirmed that sidewalks will have to follow Planned Business Design Guidelines and installed if necessary. Christenson also added that should the PC members deem it not appropriate to install sidewalks in a particular area, PC can ask for a deviation from these guidelines and therefore allow a waiver of the requirement. Christenson stated that PC will need to look at the Development Plan and consider the context of the project.
 - Becky Perry expressed concern as a lot of people walk down County Road 300 West.

Motion to Approve PC01062021-03; Fall Creek Corners Primary Plat – 3104 W US 36 (LandWorx Engineering) with staff recommendations including building and setback lines and shared parking and access as submitted made by Carol Hanna; seconded by Jenny Sisson; Roll call taken and all members voted in favor of motion; motion carried.

The following comments were made in closing of the discussion:

- Kayla Hassett stated that portions of the plat can come back to PC for review and good for four years.
- Tim Pritchard acknowledged that a lot of development will take place and drainage will be able to be addressed as it develops. Pritchard further added that the Town Engineer reviews plans given by the developers.
- Becky Perry commented that she supports improvements, but also wants the Town of Pendleton to support the residents in the area. Perry also suggested having a fence between the businesses and residents, along the northern line. Tim Pritchard replied that PC can consider that suggestion.
- Carol Hanna commented that it is good getting the area improved and expressed appreciation for Perry's input.

VIII. ADJOURNMENT

Meeting adjourned at 8:14 pm by President, Tim Pritchard.

Next Meeting set February 3, 2021 at 7:00 pm.

Denise McKee
Administrative Assistant Town of Pendleton