

The Pendleton Plan Commission (PC) met on September 2, 2020 at 7:00 pm at 100 W State Street, Pendleton, Indiana. The meeting was called to order by Tim Pritchard at 7:04 pm. Commission members present were Tim Pritchard, Kyle Eichhorn, Jenny Sisson, Connie Schultz-Heinz, Carol Hanna 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 Sharon Robinson of 7121 S 600 W Pendleton, Marissa Skaggs of 6333 W Foster Branch, Garry Brammer of 6228 W Foster Branch, Shon Sargent of 6249 W Foster Branch, Tim Allred of 6804 Foster Branch, Tim Westerfield of 809 Winding Way, Brian Riechert of 6740 S 600 W, Stephanie Gray of 6740 S 600 West, Bob Jones of 117 W Water Street, Willie Boles of 181 Warwick Way, Shane Davis of 140 Hawthorne Drive, Scott Reske of 910 S Broadway, Lynn Lawyer of 505 West 9th Street Anderson, Mike Austin of 911 Meridian of Anderson, Greg Valentine of 52975 CR 800 W Lapel, Laura Reuter of Noblesville, Jonathan Isaacs of Noblesville, Sean Downey of Arbor Homes, Nathan Althouse of Miller Surveying and Edward Wolenty of Deckard, Lawyer & Maynard.

MINUTES

CAROL HANNA MOTIONED, SECONDED BY KYLE EICHHORN, THE APPROVAL OF THE AUGUST 5, 2020 MEETING MINUTES. MOTION CARRIED.

OLD BUSINESS

A. Thoroughfare Plan Update –

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

Progress made since the August Plan Commission meeting:

- Third Steering Committee was held on August 24, 2020 digitally with great participation. Committee set Mission Statement with Visionary Workshops scheduled for September and October and plan to seek public input thereafter.
- Survey has been put together and will be rolled out via Facebook, town website, newspaper and email.

B. Unified Development Ordinance Update –

Christenson provided an overview of the Unified Development Ordinance Update and available on Google Drive. The Timeline also available on Google Drive Presentation.

Progress made since the August Plan Commission meeting:

- 1st Focus Group Meeting held on August 19, 2020
- Chapter 1 has been reviewed by Staff and sent to Consultant. Chapters 2,3,4 & 6 (Landscape Ordinance) are currently under review by Staff and Steering Committee as well as being reviewed by DNR.
- Kyle Eichhorn has attended Focus Group Meeting with local realtors as well as developers to provide input and pose issues.
- Anticipate starting the adoption process of the document in December. In the meantime, will have another Steering Committee and Focus Group Meeting.

C. Fosters Park – PC04012020-01 – Parcels 1 & 3 – Primary Plat (Franklin Urbahns and Pendleton Development, LLC Tenants in Common) – 171 lots – Southeast of SR 38 and S 600 W –

Hassett provided an overview of Fosters Park on Google Drive. The Timeline also available on Google Drive Presentation.

Hassett presented the following:

- Primary Plan Application included in the presentation showing property owned by Franklin Urbahns and Pendleton Development, LLC Tenants in Common and represented by Lynn Lawyer.
- Revised PUD Ordinance was presented to Plan Commission on May 20, 2004.
- PUD Ordinance was presented to Town Council on June 15, 2004 and then approved by Plan Commission on November 1, 2004.
- Primary Plat approval expired November 1, 2008.
- In recent years, development pressure has picked up and as Plan Commission gave favorable recommendation to Town Council to rezone Fosters Park from PUD to agricultural and ultimately approved the rezone on February 26, 2020, requests that the Primary Plat be resubmitted using Plan Development Guidelines.
- In review of Application requirements and upon technical review, Hassett points out minor and serious items due to the passage of time since original Plat was created:
 - Unclear if parcel 6 was included in the original Plat.
 - Original application had partial/outdated ownership information.
 - Existing easement not shown across lots 1-5 and unclear if Petitioner has reached out to Duke Energy about relocating transmission line in Parcel 1
 - Street names not provided.
 - Page 4 & 5 not legible.
 - Proposed waterlines faint and difficult to determine if waterlines sufficient. Staff recommends extending waterlines down CR 600 West for better water distribution.
 - Drainage report would be helpful with clarification as to how the ponds will be utilized.
 - Need plan showing how streets interact as well as Road Traffic Survey.
 - The Preserved Open Space Land Use category requires Parcel 6 to include approximately 20 acres, yet the Primary Plat shows 12- 13 acres.
 - Street widths described in the PUD Ordinance/Concept Plan and shown on the Primary Plat are provided, but under new review, it is not enough room for school buses and firetrucks to navigate.

Christenson presented the following in considerations of long-term planning:

- Proposed improvement to 600 W is not adequate as not set to Town standards since PUD Ordinance went into place, not addressing items such as curb, guttering, widening of the road as well as ingress and egress.
- Traffic Study has not been submitted nor stormwater management clear how it will be managed.
- Retention pond on Parcel 6, but not on Primary Plat that was submitted.
- Need Petitioner to provide the methodology of containing and conveying the runoff associated with the development of the site.
- Planning Staff have the following concerns:
 - Land Use Issues –
 - The Town has completed significant annexations in the project area since 2004.
 - Adjacent neighborhoods have developed with now larger lots since 2004.
 - New Future Land Use Map was adopted by the Town of Pendleton in 2018 with new land uses in adjacent parcels.

- Transportation Issues –
 - The Town of Pendleton Future Land Use Map shows the land south of the property transitioning to commercial use and additional residential use. As part of the 2020 Thoroughfare Plan Update, this road may qualify for upgrade to collector road.
 - The City of Anderson 67th Street Extension Project is having major influence on the development of this area.
 - Connection to 146th Street in Hamilton County has not been taken into consideration. This connection is part of the 2021 Interchange Master Plan that is being developed by the Pendleton Redevelopment Commission.
 - 2015 State Street Corridor Study recommendations have not been considered with this submittal.
 - New traffic patterns in the area have not been taken into consideration. Petitioner needs to submit a traffic analysis to show impacts the project will have on local road network, including the intersection at County Road 600 West and State Road 38.
 - Primary Plat does not include the appropriate side-path treatment along County Road 600 West as shown in the Pendleton Bicycle and Pedestrian Master Plan which was adopted in 2017.
- After consideration of all factors, staff feels that there is not enough information to approve and recommend to deny the submittal.

The following discussions took place:

Jeff Graham asked Kayla Hassett if she can explain the safety concerns that she mentioned regarding the street width being under than 30 feet, specifically as to buses and why Staff believes street widths under 30 feet present a health and safety issue. Hassett replied that when you have a 30 feet road and take off the curb and gutter, it brings it down to a 28 feet and leaves for a normal grade in Pendleton at 14 feet for each lane. If working with a 26 feet wide street and after taking off the 2 feet for curb and gutter, puts you at 24 feet and leaves 12 feet for each lane. Hassett concerned this is too narrow in consideration of larger vehicles having to pass each other, such as school buses and firetrucks, especially with any obstructions.

Jeff Graham commented that since 2004, the Town has completed significant annexations in this project area and objectively true and main reason for recommending denial of the petition, asking Staff to go into more detail why these annexations would affect the Town's decision on this petition. Rachel Christenson replied that the two subdivisions across from the proposed development, Foster Branch Woods and Foster Branch Ridge were not a part of the Town in 2004, not annexed until 2018. Christenson further commented that the residents of these neighborhoods should have a say in what is going on at the property adjacent from them. Further, Christenson explained that in 2014, the Town completed a west annexation which took in a lot of property out to State Road 13 along the interstate, giving Town say in how these properties are developed in the future. Christenson added that the Plan Commission updated the Future Land Use Map with uses that the County was not doing when this PUD Ordinance Document was adopted.

Jeff Graham asked how the adopted new 2018 Future Land Use Map with new land uses and adjacent parcels will have effect on the liability of this Primary Plat submittal. Rachel Christenson stated that the submittal can have a significant influence on County Road 600 West such as new traffic patterns today and influenced by this project, with road not adequate enough to serve future needs. Christenson added that the Highway 67 Extension Street Project with Anderson and partnered with Pendleton, the changes in land use from that project will have a significant influence on this parcel.

Jeff Graham reflected on Staff's findings that the Petitioner did not take into consideration the 2015 State Street Corridor Study and asked why it mattered. Rachel Christenson stated that the one of the recommendations from the Consultant that came out of the 2015 State Street Corridor Study is that there are curves on State Road 38 in this area and suggested to have limited cuts on the road as well as to be mindful of their placement as well as how traffic gets onto State Road 38. Christenson further stated that the Town has invested significantly as a community at our interchange ramps within the last couple of years as well as have invested heavily in the business park entrances at the Pendleton Business Park and the Falls Point Business Park. Christenson also stated that we need to be mindful as to how the other side of the interstate develops overtime as well. Christenson said that some of the transportation improvements presented in the project do not provide enough information to know if these are placed in the appropriate places along State Road 38. Christenson also pointed out that at the connection at 600 West, there are curves and issues happening, with no data provided to support a safe neighborhood, especially with number of homes proposed.

Carol Hanna asked regarding the property east of this land that is currently farmland, if it is zoned commercial. Rachel Christenson replied that it is zoned agricultural, but Future Land Use Map shows it as Planned Business.

Lynn Lawyer, attorney representing Property Owners Real Estate at Fosters Park stated that what is taking place must be and is governed by the Indiana State Statute and Pendleton Town Local Ordinance established in 2004-04 and all must follow the law considering that Ordinance. Lawyer stated that after her client has filed the petition, he has followed all of the steps that they needed to follow under the Ordinance and under the Statute, including the application form, paid filing fees, submitted drawing as well as notice requirement completed and newspaper notification took longer due to Covid-19, but also as Town failed to publish notice the last meeting. Lawyer also stated that Petitioner's Affidavit has been filed and have sent certified mail twice for notice and therefore, Petitioner has met all the requirements and criteria for the approval of their Primary Plat and suggests that the Planning Commission must approve as submitted. Lawyer stated that she appreciates the comments made and that her office has tried to meet with the Assistant Planning Director on a couple of occasions. Lawyer advised that her client has sat down with the two Town representatives in July and some of the things mentioned tonight were not mentioned to him as a problem. Lawyer further stated that the Statute exists to prevent this kind of thing from happening to the landowner that is trying to develop. Lawyer stated that it was approved, the client got the Primary Plat and looking at it in present day is fine. Lawyer stated that the only response received is that the land has been turned into agricultural and want to start again. Lawyer commented that her client has invested several hundred-thousand of dollars and does not wish to start again and lose his investment. Lawyer continued by addressing Parcel 6 stating that it was preserved as a wooded area and other requests mentioned not under the Zoning Ordinance. Lawyer stated that if a submittal page was not clear, her client should have been notified as well as cannot change Zoning Ordinances and then undue Ordinance of PUD, a Planned Unit Development as part of your Ordinance because things may have changed or do not like what it is at current time. Lawyer further added stormwater is not required by the PUD and the road projects of annexation that later took place do not undue the PUD Ordinance. Lawyer claims cannot take 2018 matters and attempt to change what is already a part of the Ordinance and part of the law. Lawyer seeks passing for client to move forward, confident can meet the criteria and request better dialogue between client and Staff. Lawyer asks Plan Commission to approve the Plat.

Jeff Graham stated that Plat has expired, but the PUD is still in place. The Town's requirement for Primary Plats are one of the things in the Site Development Plan, a part of 54.03 which has been reviewed by Rachel Christenson and Kayla Hassett and basis for findings presented tonight. One

is allowed to analyze the Primary Plat the day that it was submitted because the other one was a nullity that was presented two decades ago. The one that is there now can be analyzed under the current conditions. Planning Staff is pointing out that we are not in 2008 or 2004 anymore, but now in 2020. Town may consider lawfully where State Statute states that you can follow your Ordinances, such as regarding Primary Plats where Staff can analyze under current conditions. Graham added that just because it may have hit the slot a decade ago or fifteen years ago, does not mean it necessarily has to hit today and Staff is allowed to take a second look at it.

Rachel Christenson stated that there may have been more supporting information that had been submitted in 2004 that was not submitted this time.

Lynn Lawyer commented that it would have been nice if when they tried to talk to Staff, for these items to have been brought up tonight to have been a part of these discussions. Rachel Christenson replied that when Staff met with Mr. Urbahns, Staff was very clear as to the items needed.

Tim Pritchard invited members of the audience to speak on the matter. The following comments were made:

- Jeff Graham commented that as provided in Google Drive, under the September Meeting, under Foster Park subfolder, there is a pdf list containing document from Marissa Skaggs which also needs to be taken under consideration.
- Marissa Skaggs, resident at 633 West Foster Branch Drive presented the following:
 - Lives in Foster Branch as expected these parcels to be developed in the same fashion.
 - Town has great stewardship and with scarce resource of land in Pendleton, have one chance to develop in the right away.
 - Has collected data such as current valuation as well as lot size in the area in comparison to the 2018 Comprehensive Plan to see if the project is in line with the goals. Document shows how it measures up, specifically fails to meet:
 - Item 5.1 of the Comprehensive Plan – Plan does not meet standard that the Town is to develop in a manner that compliments and enhances same neighborhoods.
 - Item 5.3 of the Comprehensive Plan -- Plan does not provide details as to the materials that will be used due to lack of builder/developer plan. As to what was presented in 2004, materials not deemed high standard quality.
 - As for infrastructure, there is standing water issue when rains.
 - Traffic concern already an issue and latent road extension will further complicate.
 - If add 170 homes with potential of more, does not anticipate being a good situation.
 - Foster Branch Woods is new acquisition to Pendleton, in 2018, and when asked to be annexed, the Town of Pendleton looked very closely at tax revenue to determine if added revenue justifies expenses for street and light maintenance as well as police/fire coverages and other municipal services. Questions whether this proposed development will deem favorable to Town in the long-term given the infrastructure necessary to make it appealing to home buyers.
 - Communities need diversity when it comes to housing and believe we have achieved this goal here in Pendleton with modular pre-fab homes, historical homes, apartments and condos, long-term medical

care housing, different types of neighborhoods as well as rural residential, executive homes and agricultural areas. Unsure if in need of another large scaled neighborhood development and due to economic conditions, this developer abandoned the project for ten (10) years. Understands Ordinance probably on books that prohibits projects during recession, pandemic or election year, but suggests cannot ignore what is going on around us. When original Plat was valid, did see time of housing growth, but zero progress was visible nor a viable plan from Foster's Park.

- On Plat, there are references of typical street widths and permitted densities, but Pendleton has worked hard to make an attractive place by not going with typical or permissible standards. Pendleton prides itself with forward thinking, charm, strength and historical. People know of Town landmarks as Plan Commission and Town Leadership has worked hard and made very tough decisions similar to this one. Many things have taken place the last 16 years since this project was announced with no progress or updates from anyone regarding these parcels. Asked the Plan Commission to access this project in how it measures up to established expectations for our Town and see if this is a chance the Town wishes to take when land resource is becoming sparce.
- Greg Valentine, resident at 5297 South 800 West of Lapel, Indiana presented the following:
 - Owns 6 acres of farmland, south of pond near wooded area and entire area is wet with north-end typically holding 6-8 inches of water in the Spring. Water comes from south edge of woods and runs across the road, 8 inches deep and 30 feet wide, running into Hudson's property about 400 feet to eventually heading to Foster's Branch. Retention pond shown, does not wish to have high water overflow and pond needs to be large enough to hold the water.
 - Concerned road is too narrow to accommodate farming equipment and therefore seeks widening of roads. Further, do not wish to go back to original proposal for farm equipment to go through subdivision to get to 600.
 - As Township Trustee, seeks funds for fire and other township needs and concerned about homes at \$150,000 average homes being close to nice neighborhoods nearby,
 - Drainage needs to be addressed.
- Gary Brammer, resident at 6228 Foster Branch Drive, Pendleton, Indiana presented the following:
 - Understands Developer does not wish to lose his several hundred-thousand dollars investment, but he and other homeowners likewise do not wish to lose their investments.
 - Developer has not completed homework in the last 15-16 years and no plans developed, with presenting a hail-Mary effort. Plan is not doable.
 - Town of Pendleton not ready for this proposal as Thoroughfare Plan and Impact Fees are not in place.
 - Asks Petitioner to come with real plan.
- Rachel Christenson read comments provided on social media:
 - Heather Stommel commented that in 2004, the Town of Pendleton sat down with Urbahns Manager and had redo of drawing with four houses per acre and all brick houses that face County Road 600. Drawing is same as the original drawing in 2004 before Town expressed need for adjustments.
 - Holmes commented intersection at 600 and State Road 38 is dangerous.

- Cassie Tate, resident at 6655 South 600 West, stated that she is supportive of a development in this area, but only developments that are similar to others in the area. She also expressed concern with the traffic issues in proposed plan in conjunction with 600 West as curve is not conducive with this amount of homes.
- Holmes added that the roads are too narrow to accommodate two large trucks to pass.

Kyle Eichhorn asked Staff if they feel they have adequately worked with Petitioner these last six months. Rachel Christenson replied that they believe they have and that they had sat down with Mr. Urbahns and went over concerns of the Planning Department. Christenson further stated that it was clear in that meeting that they would not be able to work together to make any of the changes that Staff was presenting at that time. Christenson added that Kayla Hassett did provide a thorough list of missing items, such as drainage plan and traffic analysis and did not appear that Mr. Urbahns was willing to provide any additional document than what was submitted. Hassett added that Petitioner was unwilling to submit a traffic analysis or drainage report as felt unnecessary.

Jenny Sisson inquired if any rationale as to why Petitioner felt drainage report and traffic analysis was not necessary. Kayla Hassett replied Petitioner felt these items were the responsibility of the Town of Pendleton, especially the traffic analysis. Hassett also confirmed other developers have provided traffic analysis in their petition.

Carol Hanna asked if the Town of Pendleton has approved Primary Plats when some information has not been provided, such as traffic analysis. Rachel Christenson replied that she is not aware of any and further stated that Carrick Glen did submit a traffic analysis. As to Huntzinger Farms, there was a traffic analysis completed, when PUD Ordinance was originally approved, however, in this particular case, the traffic analysis only projected to 2014; therefore, was eventually not useful for Staff. However, as a requirement from INDOT, Huntzinger Farms [which is a development comparable to this project - PUD], Town of Pendleton was able to this information from that traffic analysis.

Jenny Sisson, stated that based on Staff recommendation, asked what are the items moving forward are desired. Rachel Christenson stated that a drainage report is necessary as well as added the following:

- Petition, as filed, is only for Parcels 1 and 3 and does not include Parcel that has drainage pond. Need information if these drainage ponds will support the development that is going in on this project.
- Fosters Park Planned Unit Development concept plan that was approved in 2004 specifically states that Petitioner needs to provide additional information and not done, specific to the drainage plan.
- As to the traffic analysis that was done in 2004, outdated as now increase in traffic on State Road 38 corridor.
- Drainage summary in the Concept Plan that was approved, says "the methodology of containing and conveying the run-off associated with the large-scale land development will need to be constructed for this site." Planning Department has not received any of this and added that the outlets or any stormwater system appears to be one or more in existence as well as culverts and drainage ways under County Road 600 West.
- Many changes that have happened around this site have influenced the design of the site and information is insufficient as need drainage plan, traffic analysis and seek more information as to 600 West.

- Seek County Road 600 West to be further designed and developed to take in account any merging of traffic.
- Intersection proposed with main collector street and how they connect to 600 West, Staff wants more information from traffic engineer to support proposed intersection is safe.
- As to traffic analysis, Staff concerned with the entrance of the subdivision being too close to the curve in the road with this many households and how they will have impact on this intersection.

Tim Pritchard commented the following:

- Since 2004, a lot has transpired and then up to 2008 expiration date, yet still have PUD Ordinance existing.
- Many changes with road cuts and additional road cut at State Road 38 will coincide with 67th Street Extension which will further complicate this area.
- Requested drainage report, traffic study and engineering reports have not been submitted.
- Homeowner comments are fair as to high value property and suggest that this proposed subdivision be another high-end subdivision if/when Developer redevelops and/or redesigns to bring up to current standards to meet the Planning Department and Highway Department standards
- With projected growth in that area, concerned current pond and drainage will serve adequately this proposed subdivision with west side of the road. Suggests that pond be enlarged, relocated or removed in that subdivision.
- Suggests to follow Staff's recommendation to deny this proposal as submitted and feel that Developer may want to reengineer or redesign the whole PUD/Plat to bring up to 2020 standards.

Lynn Lawyer commented the following:

- As to drainage, Developer only needs to contact local county agencies and provide copies when that work is completed.
- Projections of homes are being made from the public without knowledge of the homes.
- Homes will be nice, not as large, but all types of people need homes in Pendleton.
- As to farming issue raised, farmers in the area can get through with large equipment as necessary.
- Developers never abandoned the project and attempted several times to discuss this project with Staff in December 2019. As to the traffic issues, client tried to discuss, but response given was that this land to be returned to agricultural.
- After December 2019, tried to discuss matters with her client, but he was out of the Country. Developer only given brief timeframe, less than a month, to deal with information and should have been given notice of issues presented this evening.
- Suggested this PUD should be approved as part of the Ordinance.
- Expressed that she is a part of the Pendleton Community and Mr. Urbahns is quick and ready to find other projects.

Edward Wolenty of Deckard, Lawyer & Maynard commented the following:

- Offered a personal comment that he and his wife would be priced out with the development that is being proposed. Tim Pritchard replied that Pendleton currently has over 900 homes on the books planned that are affordable within the city limits.

Carol Hanna in asking options to be considered, Jeff Graham outlined the following options for the Board Members:

- Approve Plat
- Approve Plat with modifications crafted by the Plan Commission

- Continue matter to gather additional information
- Deny Plat

Graham further clarified that should the Board approve, deny or approve with conditions, specific findings are needed. Graham further noted that the Plan Commission is here tonight to consider the Plat and not the PUD.

Carol Hanna asked what Petitioner's options would be, should the Board opt to deny. Jeff Graham advised should the Primary Plat Application be denied, Petitioner can resubmit the Plat as per recommendation to Town Council to change zoning to agricultural and as new zoning scheme, operating under a grandfather zoning scheme, Petitioner would be back to the drawing board. Petitioner can also opt for judicial review of the Plan Commission decision.

Carol Hanna added that she understands that the Plan Commission is here to consider the Plat and not the PUD, but also wishes to see a transition between higher end homes and commercial. Hanna further expressed that the PUD can still work in some form without changing the Ordinance, but feels not enough information to approve the Primary Plat.

TIM PRITCHARD MOTIONED, SECONDED BY JENNY SISSON, TO DENY PETITIONER'S REQUEST TO APPROVE THE PLAT AS SUBMITTED BASED ON THE PRESENTATION AND TESTIMONY AS PROVIDED BY STAFF. ROLL CALL VOTE TAKEN WITH ALL BOARD MEMBERS PRESENT VOTING IN FAVOR OF THE MOTION WITH KYLE EICHHORN ABSTAINING. MOTION CARRIED.

Jenny Sisson, in making second motion, added the following:

- Everyone is concerned with aesthetics, but need to discuss how to graduate from one side of Town to another as shifts exists.
- Denial also based on safety at intersection [State Road 38 and 600 West] and infrastructure issues such as the drainage.

NEW BUSINESS

A. PC09022020-01: Miller Surveying – Primary Plat for property located at 7550 S SR 67 (PIN 48-14-21-402-011.000-013), locally known as Sisson Family Dentistry.

Google Drive presentation included Primary Plat Application with Zoning Map. Kayla Hassett presented the following:

- Simple two lot subdivision on two-acre site, consisting of two commercial properties, one being Sisson Family Dentistry with proposal to split in half to create another Planned Business Plat on the adjacent lot.
- Property has been for sale for some time.
- Property attached to Pizza King building on Angle Road with drive cutting through Pizza King and Angle Road intersection by high school and Madison Avenue where it crosses State Road 67, on the south side of Sisson Dentistry.
- Meets Planned Business matrix requirements as 1-acre zoned lot with adequate lot frontage and grassy area.
- Suggestion has been made to Petitioner's representative, Nathan Althouse of Miller Surveying, that one road cut be referred over to shared drive which will be in keeping to Planned Business Design Guidelines. Hassett also conveyed that with the busy intersection of State Road 67, one set of break lights will be easier to navigate.
- Staff added the following comments and recommendations:
 - Seeks explanation or further documentation of source material given

- Work with staff on the shape of the ingress/egress easement
- Need to include setbacks on plat or in table
- Need to locate waterline which runs close to overhead electric at the back of the lot as GIS may be less reliable in this case
- Overall simple split and Sisson is already served with municipal services with inch waterline that goes around the back of the lot and along State Road 67 between 67 and the railroad tracks
- Adequate room to develop planned business structure
- Staff recommends over the course of the next month or before Plan Commission sees Secondary Plat that the changes mentioned be made on the Plat and amend a few technical errors. Hassett recommends to approve with those conditions and anticipates these changes to be brought back to the Plan Commission in November.

Tim Pritchard asked Staff if Petitioner knows what plans are for the lot. Kayla Hassett replied that gentleman is purchasing the lot with the intent of building a strip mall, but that plans are still fluid at this time.

Kyle Eichhorn commented that the Plat looks more like a Secondary Plat and asked if Plan Commission will get the opportunity to review a Secondary Plat. Kayla Hassett replied that a Secondary Plat will be prepared. Nathan Althouse of Miller Surveying also commented that the drawings represent the Primary Plat, but does appear as the Secondary Plat as includes some features normally seen on a Secondary Plat. Althouse added that the Plan Commission will have a chance to review a Secondary Plat that will include some variances and distances that need to be corrected.

Nathan Althouse of Miller Surveying, representing the Plat, provided the following:

- Two-acre track, cutting up into two 1-acre lots, with all improvements built this way and split in half with all buildings on the north part and southside being vacant.
- After sending out adjoiner property notices, was advised existing 40-foot egress/ingress and utilities along south line; therefore, reviewed completed title work which shows 19.98 egress and ingress easement and utility easement. Discussion have taken place with east adjoiner and as eats up south lot, have looked into reducing the lot. Utilities located include water and sewage lines. Have agreed to amendments including that the 40-foot ingress/egress easement and utility easement be changed to a 30-foot utility easement only on the south lot before recording of the Secondary Plat.
- Clarified that when works on Primary Plat showing improvement of utilities, also goes step further to show the easements that are normally provided on the Secondary Plat.

Kyle Eichhorn asked if Boundary Survey has been completed. Nathan Althouse replied that they have not staked the property, but have done a survey. Eichhorn stated that he would like to see a copy of the Boundary Survey before approving the Secondary Plat. Althouse clarified that they have only preformed the preparation for the Boundary Survey and will provide the Boundary Survey along with the Secondary Plat.

LeAnn Brown, representing Swackhamer Masonry & Concrete, stated that she received a letter inviting her to attend the meeting and inquired confirmation that the intent was to put in a strip mall on the property. Kayla Hassett replied that the intent is not concrete at this time. Tim Pritchard added that the Plan Commission is only addressing the splitting of the land at this meeting, dividing the lot into two and already zoned planned business. Hassett and Pritchard also commented that should the Petitioner decide to build something on the lot, Petitioner will have to come back to the Plan Commission.

KYLE EICHHORN MOTIONED TO APPROVE PC09022020-01: MILLER SURVEYING – PRIMARY PLAT FOR PROPERTY LOCATED AT 7550 S SR 67 (PIN 48-14-21-402-011.000-013), LOCALLY KNOWN AS SISSON FAMILY DENTISTRY WITH MODIFICATION MADE BY STAFF, SECONDED BY JENNY SISSON. ROLL CALL VOTE TAKEN WITH ALL BOARD MEMBERS IN FAVOR OF THE MOTION. MOTION CARRIED.

B. PC09022020-02: MI Homes of Indiana – Amendment to the Zoning Map for property located south and west of 605 S SR 67, or on the west side of SR 67 between W 600 S and Candlewood Drive (PINs 48-14-16-100-011.000-013 and 48-14-16-800-002.000-013) from Agricultural to Two-Family.

Google Drive presentation included Change of Zoning Application. Kayla Hassett presented the following:

Petitioner petitions for rezone amendments of three parcels owned by South Madison Community Foundation and Prairie Creek Partnership represented by the Begley family. Petitioner represented by Mike Austin, Tim Westerfield and John Isaacs from MI Homes. Petitioner seeks to rezone from agricultural to two-family homes.

Mike Austin, Attorney for Petitioner, MI Homes of Indiana reported the following:

- Seek rezone of a track of about 55 ½ acres on westside of State Road 67 between County Road 600 South and Candlewood Drive
- Complied with the preliminaries, sent out certified notices and Town has published newspaper notice
- Property owned in part by SMCF and partnership owned by Dr. Begley and propose rezone from agricultural to two family for new residential subdivision that would be called Prairie Creek Overlook.
- Proposes 73 single family units (north portion of real estate) and 35 Paired Villas/duplex lots (south portion of real estate)
- Land use – 28.3 acres in lots and including 3 ponds and 20 acres in common areas
- 35% of total acres, lots size will be about 7,800 square feet and average lot size for Paired Villas will be about 10,800 square feet

Jonathan Isaacs, Land Acquisition Manager, presented the following (presentation included in Google Drive):

- MI Homes started in 1976 in Columbus, Ohio to become a better builder for the customer with goal to let the customer be a part of the process to build a better home and allowing choices and customizations for overall better experience, neighborhood and community.
- MI Homes has been in business in Indiana for 25 years.
- Customer care is most important priority, but also pays close attention to landscape features and neighborhood design.
- Layout of two-family zoning based on taking advantage of terrain on site plan, leaving significant open space.
- Development standards have been set when looking at the two-family dwellings and one zoning classification meets all of the criteria by using straight zoning classifications versus drafting PUD, providing standard set-backs and development standards needed to create the development as proposed.
- Site Plan includes the land, adjacent to the park, that was donated to the SMCF by Dr. Begley and in being good stewards and providing elements as desired by the community, will include connectivity to the park. Further, road cut off of State Road 9,

will be road provided that will connect to future road that will go back to parking lot of the football field portion of Falls Park. Petitioner will continue to work with the Town Council as to how this road gets executed as move forward with this project. In addition, internal entrance from this road that leads to State Road 9 will be provided on the southside of the property as well as the main entrance to the neighborhood will be in the middle of the site off State Road 9.

- Topography of site creates low area in the middle of the property that has drainage drop and developer's intent is to maintain, enhance make visible and part of the community.
- Will create natural feel in low area with pond to create transitional point between single family and Paired Villas lots.
- Preliminary discussions have taken place with INDOT and traffic engineer to confirm best roadway placement and necessary traffic improvements/driveway placement on State Road 9.
- Approximately 10 homes across the road have direct access to State Road 9. Southern roadway that developer will be putting in that goes back to the park, lines up with Candlewood Drive.
- Taken advantage of northside of site and its terrain and ridges as to how to best develop the site. Some homes may have walk-out basements and some homes on cul-de-sacs will overlook Prairie Creek and a few Paired Villas overlooking the football fields.
- Looking into landscaping opportunities to screen off the neighborhood.
- Images of rendering provided in the presentation. Homes will offer 3-4 different front elevations and different roofline variations.
- Option for covered porch in rear or integrated porch on front of home.
- Paired Villas will provide vinyl fence between two properties in rear.
- HOA will cover the bulk of the costs of the exterior of home as well as lawn care. Owner's insurance policy will only cover internal items.
- Paired Villas will be 1400-1500 square feet up to 1800 square feet with option for second story loft for an additional 600 square feet. Will provide two bedrooms and den downstairs. Loft can come with one large room with restroom or small sitting room, bedroom and bath.
- Single family homes will use product type – SMART construction/process which simplifies process by use of package options to create simple buying process.
- Expect empty nesters and even some young owners as no yard maintenance required.
- Similar neighborhoods in Cicero and Franklin Township as to home styles, streetscape variations, home exteriors color, street patterns.
- Confident Pendleton will support these values/styles as well as the Pendleton Schools, price range and location as close to the park, schools and State Road 9.
- Price range for Paired Villas is \$230,000 - \$260,000 with single family homes ranging from \$260,000 - \$320,000.
- 35% open space on site.

The following discussions took place:

- Tim Pritchard asked for clarification that there are 9 driveways that will have direct access to State Road 9. Jonathan Isaacs clarified that the existing homes sites on the opposite side of the road have direct access to State Road 9. Pritchard also asked if the southern entrance will be lined up with Candlewood Drive. Isaacs replied yes that this roadway to the park will provide this access to the neighborhood.
- Pritchard asked if the HOA will provide insurance on the Paired Villas as the HOA will not own these homes. Jonathan Isaacs stated that the resident will own the property and based on how the covenant restrictions are written, it is a contract between the owner and the HOA, similar to condo code/policy – “walls in” policy.
- Tim Pritchard asked Petitioner to expand upon the product, such as siding and trim to be used. Jonathan Isaacs replied vinyl will be used as to exterior siding with offering 30%

masonry on front elevation. Vinyl used is 4.6, providing good quality, coloration and big reveal pattern which looks like hardy plank product. Attached products were chosen in consideration of costs and maintenance. Covenant restrictions will be set in place in order to include self-help remedies to control maintenance of product.

- Tim Pritchard commented that cement siding was used by last developer and bar has been set going forward; therefore, higher standard set by Plan Commission. Jenny Sisson added that it has been determined how the community is to look like going forward as well as what it wants new developments to incorporate, such as open spaces, trails and density. Sisson inquired if this new development incorporates all of the standards established in the past. Sisson also concerned that this new development is very close to a major road and some of the properties back up to State Road 9. Sisson concerned about the safety of the residents, especially homeowners with children.
 - Tim Pritchard asked Rachel Christenson to comment on the Comprehensive Plan as to the intent and purpose of this land. Christenson stated that it was for this land to either be used for residential or commercial use or combination thereof. Christenson also added that Staff feels that this proposal for residential use is appropriate, especially with being adjacent to the park. Christenson further commented that all terms fell in line as was provided with the Carrick Glen subdivision which was approved.
 - Kayla Hassett commented as to the following:
 - Density is good as sufficient open space
 - Attorney is clear as to how to get proposal through Plan Commission with the Subdivision Plat. May need waivers such as in Carrick Glen as it did not meet the standard single-family code. However, with the two-family code, do have a little interpretation issue. With single family being a is permitted use as well as two-family zoning district, but not mentioned in bulk matrix. Have single family attached and two-family; therefore, intent was to still allow these two cohesive uses to happen. Dense residential fits well, but Staff will need to work through Ordinance to get approved.
 - Very much in keeping with the proposal that the Town has approved in the past.
 - Concerned about direct lead to busy road on State Road 9 as well as traffic cuts and homes backed up to State Road 9.
 - Kyle Eichhorn asked if Plan Commission is to approve these variances/standards presented tonight. Jeff Graham advised that the decision tonight relates to whether the Plan Commission wishes to recommend the zoning change from agricultural to two-family.
 - Rachel Christenson stated that Staff is giving favorable recommendation, but recommends to approve petition with the following conditions:
 - Petitioner must extend Candlewood Drive to the west of the parcel and connect to the parking lot in Falls Park.
 - Curb cuts along State Road 67 will be limited to County Road 600 South and Candlewood Drive.
 - Petitioner will connect the subdivision to Falls Park with trails and will designate areas for future trails to extend pedestrian connectivity to the “Bicentennial Property” in Falls Park.
- Christenson also added the following comments:
- Feels strongly that mid-block cut is not a good fit for Community and as several challenges along State Road 67, wish to have these cuts limited.
 - Wish to see alternate entrance and have pushed down to Candlewood Drive.
 - Encourage land acquisition at CR 600 S, north of property, to allow entrance of the subdivision to line up with the existing intersection.

- Issues dealt with on State Road 67 include North Pendleton Avenue that ties into 67 creating complaints that have been addressed several times, Huntzinger Farms in regards to Huntzinger Boulevard approved lots and foreseeing lights being installed in near future. Also, working with Staff and INDOT as to State Road 67 and Madison Avenue and Water Street intersections due to concerns of several accidents.
- Community has invested in a lot of money in trying to go back and retro-fix issues and having a cut on a four-lane highway and additional cuts across the street, see issues after it is built out. Have shared concerns with Nathan, the Engineer at INDOT and the Anderson MPO where we get federal funding projects on State Road 67 about the mid-block cut.
- Wish for Petitioner to commit to connecting the subdivision to the Planned Business Zoning District to the south of the property.
- See integrated neighborhood that will connect up to any future development that takes place south of the property.
- Reviewed the Bike and Pedestrian Plans of 2017 along State Road 67 and it calls for side path, but feel that side path is not appropriate in this area as going further north there are a lot of topography changes. Suggests side path to be put on east side of State Road 67 as land is developed in the future as same side of schools.
- Carol Hanna asked what is planned to protect the properties and safety of the families that are right up against State Road 67. Rachel Christenson replied that a buffer area is planned along the State Highway with landscaping mounds.
- Tim Pritchard commented that if put street cut with subdivision in line with 600 at the top of the hill, it will be dangerous and will have same issue as experienced at Pendle Pointe. Pritchard further expressed need for entrance to be lined up with Candlewood Drive.
- Jenny Sisson asked if there is a vision of future lights on Highway 67 between Pendleton Avenue and Water Street in that corridor and if so, how does it all fit. Rachel Christenson stated that if any lights are added at that intersection, there will need to be warrant for qualification for the intersection upgrade. Christenson stated that she expects with any type of development, a traffic analysis has to be done to dictate how the intersection should be designed. If moves forward as proposed with mid-cut, INDOT will give recommendations as to how the intersection needs to look like based on INDOT standards and guidelines. If level of accidents and/or meet any other thresholds, intersection upgrade would kick in. INDOT will also take into consideration the proximity of other lights.
- Kyle Eichhorn stated that Pendleton requires a 60 feet lot width, but Petitioner only proposing a 45 feet lot as well as requires 7200 square feet versus only offering 6,750 square feet. Expect waivers to be filed and suggests need to uphold these standards.
- Carol Hanna commented that she wishes for Candlewood Drive to be extended through the park so that people will not travel by foot. John Isaacs commented that their intent to have Candlewood Drive going straight back to Falls Park is to make that connection and will work with the Park Department and Town Council on the significant grade issue and will work on that detail in the design stage. Isaacs also commented that only at the preliminary stage of zoning, but will need to address the slope concern to make modifications to help soften and may need to pull closer to State Road 9.
- John Isaacs addressed the curve cut to State Road 9 and concern experienced in other communities where parks exist in the middle of the neighborhood, by maintaining separate entrance from the park entrance, will eliminate park traffic

coming through the community. Also expressed concern about the idea of acquiring land to create connection to 600, as there exists very steep slope which would require sharp curve that may not be approved by INDOT and concerned some of these homes may not be purchasable. Isaacs further concerned this would also change the entry detail into site, taking advantage of the natural drainage draw of the site.

- Tim Pritchard expressed concern about the vinyl siding as well as the number of cul-de-sacs in consideration of the emergency vehicles. Rachel Christenson commented that Staff recommended approval based on the fact that there is not a lot of connectivity to other lots and in consideration of topography changes, felt the area was appropriate for the proposal
- Tim Pritchard suggested that it may be appropriate to table to next month to gather more information. Carol Hanna commented that she feels that this land is appropriate for either residential or commercial property. Pritchard added that he does not like the back of the homes up against State Road 9. Kayla Hassett commented that in neighborhood up against busy street, the first line of home faces the road versus not backing up to busy road. John Isaacs said that they will review, but will need to take in consideration the maintenance costs in comparison with the tax revenue gained.
- Tim Pritchard stated that vinyl siding will likely not get approved for developments moving forward. Huntzinger Farms was only approved for vinyl as matched current homes in the neighborhood and needed to move forward. Pritchard added that Petitioner will need to address the concerns presented.
- Jenny Sisson expressed that land is scarce and anything up against Falls Park needs to be considered carefully. Suggests that Plan Commission will want to capitalize and leverage the land as best as possible to draw more people into town and into the one and only park that Pendleton has to offer. Sisson also questioned if property is best served.
- Jeff Graham clarified that tonight's meeting is to address zoning. Tim Pritchard commented that Plan Commission is just wanting to be clear as to expectations.
- Carol Hanna stated that the overhead lights at the Sports Complex will impact these homes and the Developer will need to address the items mentioned.

TIM PRITCHARD MOTIONED TO TABLE THE AMENDMENT TO THE ZONING MAP IN ORDER TO GATHER MORE INFORMATION AND CONTINUE HEARING UNTIL THE OCTOBER HEARING, SECONDED BY CHERYL RAMEY-HUNT. ROLL CALL VOTE TAKEN WITH BOARD MEMBERS VOTING IN FAVOR OF THE MOTION TIM PRITCHARD, CHERYL RAMEY-HUNT AND CONNIE SCHULTZ-HEINZ AND THOSE NOT IN FAVOR OF THE MOTION KYLE EICHHORN, CAROL HANNA AND JENNY SISSON. MOTION FAILED.

CAROL HANNA MOTIONED TO APPROVE REZONING TO AGRICULTURAL TO TWO FAMILY, SECONDED BY JENNY SISSON. ROLL CALL VOTE TAKEN WITH BOARD MEMBERS VOTING IN FAVOR OF THE MOTION CAROL HANNA, JENNY SISSON AND THOSE NOT IN FAVOR OF THE MOTION KYLE EICHHORN, TIM PRITCHARD, CONNIE SCHULTZ-HEINZ AND CHERYL RAMEY-HUNT. MOTION FAILED.

John Isaacs from MI Homes requested a continuance of the hearing.

TIM PRITCHARD MOTIONED TO ACCEPT THE REQUEST BY JOHN ISAACS FROM MI HOMES TO CONTINUE THE HEARING UNTIL THE OCTOBER HEARING, SECONDED BY KYLE EICHHORN. ROLL CALL VOTE TAKEN WITH ALL BOARD MEMBERS VOTING IN FAVOR OF THE MOTION. MOTION CARRIED.

C. **PC09022020-03: Arbor Homes – Secondary Plat for Phase 4 at Huntzinger Farms Subdivision.**

Google Drive presentation included Secondary Plat Application. Kayla Hassett presented the following:

2nd Phase of Huntzinger Farms Primary Plat that was approved earlier in the year. Have a few technical questions, but all Staff members have signed off. A few changes made included:

- Change of the roundabout having one less leg off to the south
- Easement and existing infrastructure for water and electric, have been made and now working
- Joshua Cribelar, representing Petitioner, has addressed structure points
- Phase include connection to State Road 9 with another round-about with 8-foot path along the pond
- Last pond on south side of roundabout is a little square and asks that the straight lines/sharper corners are shielded with landscape commitment
- Seek upgrade of sidewalk along State Road 9 to accommodate side path in reflect plans in the Bike and Pedestrian Plan as well as seek side path on State Road 9
- Projects to go over construction plan next month and assure in order before construction begins.
- Planning Department and all Town Departments are in favor of recommendation.

Hassett further stated that the Secondary Plat Application is very much in keeping with the Primary Plat and provided the following recommendations outlined in her presentation:

- Address the technical mark ups on plat as provided by Staff;
- Submit a landscape plan for the landscape easement (berm) shown on page C201.
- The primary plat showed wet pond 8 as a more curvy, natural shape and less like an offset from the right-of-way. In the presented construction plans, it has gone back to the offset shape. In the event the shape cannot be changed, staff would like to propose groupings of native trees and shrubs around the pond to soften the pond shape (See page C201). A landscape plan for this area shall be submitted along with the landscape plan for the easement noted above.
- Upgrade the sidewalk along State Road 9 to a 10' to 12' side-path to reflect plans in the 2017 Pendleton Bicycle and Pedestrian Master Plan.

JENNY SISSON MOTIONED TO ACCEPT ARBOR HOMES SECONDARY PLAT FOR PHASE 4 AT HUNTZINGER FARMS SUBDIVISION -PC09022020-03, SECONDED BY KYLE EICHHORN. ROLL CALL VOTE TAKEN WITH ALL BOARD MEMBERS VOTING IN FAVOR OF THE MOTION. MOTION CARRIED.

Meeting adjourned at 9:46 pm.

Next meeting October 7, 2020 at 7:00 pm.

Denise McKee
Administrative Assistant Town of Pendleton