

The Pendleton Plan Commission (PC) met on October 7, 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 Betsy Allen of 572 Redwood Drive Pendleton, Marcy DeShong of 9182 S 300 West, Scott Reske of 910 S Broadway, Chet Babb of 451 Janis Avenue, Brett Mabrey of 210 Blue Spruce Drive, Willie Boles of 181 Warwick Way, Jamila Zafar of 6108 West Foster Branch Drive, Lynne Lawyer of 505 West 9th Street Anderson, Keith VanWenen representing Precise Land Surveying of 920 Main Street, Ryan Phelps representing MCCOG of 739 Main Street, Brandon Kendera representing MCCOG of 739 Main Street Anderson, Keith Gilson of 7965 E. 106th Street Fishers, Mike Austin of 911 Meridian Indianapolis, Ben Houle of 1828 Central Avenue, #201, Chris Schulhof representing ReMax of 11216 Fall Creek Rd, Jonathan Isaacs representing MI Homes at 8445 Woods Crossing, Tim Westerfield representing MI Homes at 8445 Woods Crossing.

MINUTES

TIM PRITCHARD MOTIONED TO TABLE APPROVAL OF MEETING MINUTES UNTIL THE NEXT MEETING, SECONDED BY CONNIE SCHULTZ-HEINZ. 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 September Plan Commission meeting:

- Steering Committee Meeting 4 is scheduled for October 21, 2020 from 6 pm – 8 pm.
- Over 362 Vision Survey responses have been received via Facebook and Website which was very close to goal of 500.
- Street Standards contract has been executed with GRW.

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 September Plan Commission meeting:

- Staff and Steering Committee have reviewed Chapters 1,2 and have been sent to Planning Workshop.
- Chapters 4,5,6 & 9 are currently under review by Staff. Kyle Eichhorn has been a great help with this project and these last Chapters to be sent to Planning Workshop in next two weeks.
- Anticipate having the document start the adoption process in December.

Marcy DeShong, member of the UDOU Steering Committee and Madison County Builder Association as well as owner of two businesses within Town limits, Midwest Remodel and Bronze Bay Tanning, shared the following thoughts and concerns:

- Existing Ordinance is outdated and developers now must come to the Planning Commission to get variance approved; therefore, reason for forming Steering

Committee. Current process potentially leads to adversarial comments and lawsuits for community.

- Need to develop safe homes in accordance to standards established by the Town, County and State, but Architectural Design Standards go beyond the home design safety specifications, including required materials.
- Downfall of Architectural Design Standards include:
 - Raise cost of homes and Pendleton already out pricing community members and potential community members.
 - Take away choices for low maintenance.
 - People seek affordable options.
 - Encourage lawsuits.
- Pendleton needs to be business and family friendly; not adversarial and discriminatory; inclusive and not exclusive.
- Concerned with tone of Plan Commission.
- Loves the Town of Pendleton and asks Plan Commission members to think about the comments shared.
- Marcy DeShong to email link with more research details/findings to Rachel Christenson to distribute to Plan Commission for review.

C. MI Homes of Indiana – PC09022020-02 – 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.

Mike Austin, Attorney for MI Homes, introduced himself along with Jon Isaacs and Tim Westerfield. Austin shared the following:

- Attending PC meeting this evening to gain information and not to seek vote.
- Discussions have taken place with INDOT and Madison County Governance and want to assure working well with the Town of Pendleton on project.
- Plan to bring Petition before Plan Commission for vote at the November meeting.

Jon Isaacs presented the following information (Presentation available on Google Drive):

- A lot of feedback over last month since the September Plan Commission meeting where received 3/3 tie on vote, then 2/5 vote on continuance prior to Petitioner requesting own continuance.
- Need to determine if purpose of the property should be residential or commercial.
- Recently had a meeting with INDOT regarding the location of subdivision entrance.
- Ideal location for subdivision as a lot of visibility to State Road 9, can connect to park and close to Town.
- Feel confident with proposed neighborhood of Single Family and Duplex homes.
- Site offers a lot of topography, including wetland, two smaller drainage draws and 25 feet of fall from mid-property to back property line near football fields.
- Designed with intent to use middle drainage draws and use land plan to place roads in right places as well as proposing walk-out basements and highlight of the park's natural area.
- Feel great opportunity for residential piece, especially with small town of Huntsville nearby and commercial area stops before this property.
- Petition brings resident to connectivity to the park and downtown Pendleton, creating benefit to the Town.
- Provided aerial site view of property, including tree lines, flood plains with Paired Villas to the left of subdivision and Single Family Detached homes to the right.
- Engineer looking into cul-de-sac at south end with walk down to the park.

- Modifications sought by the Plan Commission currently under discussion, including road extension to Candlewood Drive to be shared with park entrance as well as potential commercial development to the south of the subdivision.
- Wish to partner with the Town of Pendleton to achieve what the Town desires for neighborhood.
- Currently looking at what new design can look like and costs associated with this design.
- Reviewing layout options with connection to State Road 9 including road improvements at Candlewood Drive with entrances at Candlewood Drive or middle of neighborhood.
- Await report from Traffic Engineer.
- Looking at frontage options for State Road 9, including porch options. Provided images of similar neighborhood of Paired Villas in Cicero (front & rear).
- Goal to give as many choices to assure variations of both Paired Villas and Single-Family Homes so not structured and/or repetitive.
- To include soft mound with landscaping.
- To use Zip Board Sheathing on all product types. Expect no utility issues.
- Offering 18 feet driveways, trim on windows and to incorporate fence restrictions.
- Will follow and incorporate standards similar as provided at the approved Plat of Carrick Glen.
- Items for further discussion:
 - Rear façade requirements for homes along SR 9.
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 - Architecture standards to be provided at next month's Plan Commission Meeting
 - All homes shall have at least 12-inch overhang. As measured from the structural component of the house (prior to brick being installed).
 - Homes with Windows and doors not surrounded by brick or stone shall have a minimum of three-and-one half inch trim (3 1/2"), this equates to 1 inch by 4 dimensional lumber. Trim shall be required around such windows and doors on all sides of the home.
 - Driveways shall be a minimum of 18' wide up to the garage and have a flair/taper in the ROW
 - All Fences within the neighborhood shall be limited to 4 feet in height except for the fencing separating the duplex villa lots which can be up to 6 feet tall adjacent to the patio extending out perpendicular to the residence.
- Overall Site Plan:
 - Looking into eliminating direct access from SR 9 and aligning a street with Candlewood and connecting it to the park.
 - INDOT has approved the concept of the entrance to SR 9
 - Staff has suggested that we look at alternatives to the mid-block access to the project.
 - May need additional ROW to the south to align the Candlewood entrance
 - An 8' pathway shall be installed connecting the Prairie Creek Development and Falls Park.
 - MI Homes agrees that parking will be limited to one side of the street.
 - Current Town of Pendleton Design Standards require 30 feet back of curb to back of curb (26 feet of pavement)
 - Street trees shall be required in a spacing of one street tree per residential lot or a spacing of approximately 60 feet when adjacent to common area. The exact location of street trees shall be determined after the location of each driveway is determined
 - There shall be a minimum of thirty (30) feet of common area adjacent to State Road 9 consisting of landscaping and mounding to allow screening of the community.

- Looking at redesign of community that will place Paired Villas adjacent to SR 9 and the single family adjacent to the park.

Rachel Christenson added the following comments:

- Had good conversation with MI Homes and discussed all issues with expectation to hash out prior to rezone and before moving to Plat approval.
- Feels Petition lends well to Residential zoning with the topography and could use in Town as ideal neighborhood.
- Town Manager will work with MI Homes as to costs to get road build-out as envisioned.
- Prefers Paired Villas to be closer to State Road 67 as likely to have less children in the home as compared to the Single-Family homes planned for the back of the neighborhood.
- Paired Villas are a great product as Mustin Builders have been very successful with this type of home.
- Proposed subdivision offers great access to Interstate 69,
- MI Homes Paired Villas offer a lot of privacy in backyard as compared to Mustin Builders.
- Gabbles in back of home provides more architectural character.
- Very similar development to Huntzinger Farms and Carrick Glen.
- Feel location appropriate for product MI Homes is selling.

The following discussions took place:

- Tim Pritchard stated that the movement of entrance road to the south of the subdivision is good idea, yet concerned with the heavy traffic it will likely create for the park.
- Rachel Christenson commented that the Staff's recommendation was based on the park's original plan dated in early 2000 to create a second park entrance off State Road 67, with the suggestion for park to install a gate. Christenson further stated project goes along well with the 2020-2025 Park Master Plan and may be the only opportunity to have second entrance to park.
- Jon Isaacs shared concern that road extension south of the subdivision would place a burden on the neighborhood.

TIM PRITCHARD MOTIONED, SECONDED BY CAROL HANNA, TO CONTINUE TO THE NOVEMBER MEETING MI HOMES 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 FROM AGRICULTURAL TO TWO-FAMILY. ROLL CALL VOTE TAKEN WITH ALL BOARD MEMBERS PRESENT VOTING IN FAVOR OF THE MOTION TO CONTINUE. MOTION CARRIED.

NEW BUSINESS

- A. **PC10072020-01: Jamila Zafar Revocable Trust by Jamila Zafar, Trustee – Replat for property located at 6108 West Foster Branch Drive (PIN 48-15-13-400.046.000.041 – Lot 5; PIN 48-15-13-400-047.000.041 – Lot 6; PIN 48-15-13-400-048.000.41 - Lot 7). The Replat is Lot 5, 6 & 7 of the Foster Branch subdivision.**

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

- Petition to combine three lots under common ownership of Jamila Zafar Revocable Trust.
- Residence on Lot #7 exists and 2+ acres total for Lots #5, #6 & #7.
- Owner of property and Surveyor Keith VanWenen available online for questions.
- Cut/dry replat combining three lots into one.

- **Staff findings-**
 - Proposed replat meets or exceeds all bulk matrix requirements.
 - There are no easements or utility line locations alongside lot lines or elsewhere that would become problematic by combining these lots.

- **Staff recommendation –**
 - Approve replat as presented and recommend that it be approved for recording.

- The following discussions took place:
 - Kyle Eichhorn asked for the purpose of the Replat. Jamila Zafar replied that she owns all three parcels and wishes to make as one property as may build separate structure in the future for vehicles and/or addition to the home.
 - Jenny Sisson stated that some HOAs do govern combinations of plats. Kayla Hassett replied that replat of three or four parcels are common in the area and believe HOA has found suitable to do so.
 - Kyle Eichhorn brought up drainage located on the southside of the Lot 7. Keith VanWenen stated that he does not have drawing in front of him, however, offered discussion via email.
 - Carol Hanna commented that there appeared to be no sidewalks in front of Lots #5 & #6. Kayla Hassett stated that sidewalks are currently in the process of being installed.
 - Jenny Sisson asked for confirmation that letters/public notices were sent out timely. Kayla Hassett replied yes. Sisson also asked if received any complaints/negative responses. Hassett replied no. Jamila Zafar also replied that she has only received positive responses.
 - Lynne Lawyer, representing Franklin Urbahns and Pendleton Development LLC, stated that she did not receive proper notice while law requires notice of change. Jamila Zafar commented that she obtained the list from the Madison County Governmental Office for properties within 150 feet distance and clients were not listed. Lawyer replied that she believes matter falls under Statutory Limits. Zafar will provide list of public notice and provide to Town Staff for review. Rachel Christenson will double check list and perform measures to assure proper notice was given.
 - Jeff Graham asked Lynne Lawyer if her clients had an objection to the proposed Replat. Lawyer replied that she has not had an opportunity to discuss with her clients.

TIM PRITCHARD MOTIONED TO TABLE UNTIL NEXT MEETING PC10072020-01: Jamila Zafar Revocable Trust by Jamila Zafar, Trustee – Replat for property located at 6108 West Foster Branch Drive. The Replat is Lot 5, 6 & 7 of the Foster Branch subdivision; SECONDED BY CONNIE SCHULTZ-HEINZ. ROLL CALL VOTE TAKEN WITH ALL BOARD MEMBERS IN FAVOR OF THE MOTION. MOTION CARRIED.

After brief discussion and advisement provided by Town Attorney Jeff Graham, new motion was presented and approved as follows:

TIM PRITCHARD MOTIONED TO TABLE UNTIL NEXT MEETING ON CONTINGENCY OF RECEIVING CONFIRMATION JAMILA ZAFAR SENT OUT PROPER STATUTORY NOTICE AND IF IN COMPLIANCE WILL APPROVE, YET IF NOT IN COMPLIANCE WILL TABLE UNTIL THE NEXT MEETING PC10072020-01: Jamila Zafar Revocable Trust by Jamila Zafar, Trustee – Replat for property located at 6108 West Foster Branch Drive. The Replat is Lot 5, 6 & 7 of the Foster Branch subdivision; SECONDED BY JENNY SISSON. ROLL CALL VOTE TAKEN WITH ALL BOARD MEMBERS IN FAVOR OF THE MOTION. MOTION CARRIED.

B. PC10072020-02: LandWorx Engineering/D. Hughes and Son LLC – Site Development Plan Review for property located at 3104 West US Highway 36 (PIN 48-14-21-101-004.000-013).

Google Drive presentation included Site Development Application with Zoning Map. Kayla Hassett presented the following:

- Site Development Application relates to property at 3104 West US 36, with proposed name of business as Fall Creek Corners.
- Application must come before Plan Commission as involves major change, proposing a drive-up window for coffee shop, Biggby Coffee, on the east end of the building.
- Desire to replace gravel drive and create drive-thru around the rear of the building.
- Parts and pieces of project still moving as well as expect further petitions of outlots to come in the future.
- Provided several images of the current conditions and noted since 1988, year originally built, former owner Don Hughes made several improvements to the site as well as current owner Steve Hughes continues to do so.
- Permit has been issued with the condition that no drive-thru window is installed until Plan Commission approves.
- **Staff recommendation-** Approve in a limited scope with the following conditions:
 - Connection to S 300 W will not be made at this time. Will stub out until more is known about user of east outlot.
 - A landscape plan pertaining to altered areas of site shall be received and approved by staff before a permit is issued for parking lot improvements.
 - Sign plan needs to be received with revised plans. Existing signs by SR 67 are in poor condition.
 - Dumpster enclosure in keeping with Planned Business Design Guidelines will be part of this project.
 - Drive-through window for end unit must carry brick wrap around side of building and shall not be used until parking lot is improved as shown in these plans.

Ben Houle, representing D. Hughes and Son LLC presented the Engineering Plan for the site:

- Propose reconfiguration of the drive, including drive-thru east and north of the building.
- New Paving to straighten drive and provide drive-thru circulation.
- Road at back of building, vehicles will do U-turn and return back to the entrance at State Road 36 to exit.
- Agrees to no drive access to 300 W at this time as well as stub-out to lot at east.
- Plans to improve gravel drive with new paving for deliveries and garbage storage as well as improved drainage.
- Commit to dumpster enclosure, landscape plan and signage plan.
- Plan to tack coat and re-stripe existing parking lot.
- Integrated center with plans for SW and E lots to be parceled out for future businesses.
- Front drainage will take place now to eliminate standing water as well as SW corner drainage under SR 67 to improve water flow.

The following discussions took place:

- Carol Hanna inquired if the drive-thru window will be on the east side of the building. Ben Houle confirmed that the window will be about midway back on the east side wall.
- Kyle Eichhorn asked if there are any plans for additional access points. Ben Houle responded that there are none planned. Rachel Christenson added that there likely will need to be improvements made on 300 W, but only in the future. Christenson stated that when another Petitioner comes in at later date, Staff can address any additional entrances/exits to that site at that time.

- Kyle Eichhorn inquired if there is a gas line on property. Ben Houle confirmed that there is gas, water and electric utilities on the northern line of the property.
- Carol Hanna asked Petitioner if had any issues with the Staff recommendations. Ben Houle replied no and that he agrees with all recommendations.

CAROL HANNA MOTIONED TO APPROVE PC10072020-02: LandWorx Engineering/D. Hughes and Son LLC – Site Development Plan Review for property located at 3104 West US Highway 36 INCLUDING STAFF RECOMMENDATIONS AS NOTED; SECONDED BY JENNY SISSON. ROLL CALL VOTE TAKEN WITH ALL BOARD MEMBERS IN FAVOR OF THE MOTION. MOTION CARRIED.

- C. **PC10072020-03: DR Horton Indiana LLC – Secondary Plat for property located near 1,500' West of North Pendleton Avenue & approximately 850' South of C.R. 600 S (PIN 48-14-16-200-021.001-013). The Secondary Plat is Sections 3A & 3B of Carrick Glen.**

Google Drive presentation included Secondary Plat maps and drawings. Kayla Hassett presented the following:

- Final two phases in Carrick Glen, broken down in 3A to the north, 3B to the south.
- Discussed technical issue with Keith Gilson and no big issues and/or concerns.
- DR Horton has been working with Banning Engineering regarding drainage and report that they have approved drainage plans.

The following discussions took place:

- Kyle Eichhorn stated that 50-60 trees are scheduled to come down and asked if can leave along 600 at northern property line. Kayla Hassett commented that the Street Department had requested the removal. Keith Gilson replied that he can look into the request as well as will look into fence restrictions to four feet.
- Rachel Christenson commented that landscaping plan is in place. Kayla Hassett stated that a lot of permits have been issued already for the neighborhood. Christenson added that the Town is receiving several emails of interest in moving into the neighborhood. Tim Pritchard added that DR Horton has done a great job with providing a fantastic project and expressed appreciation for being a part of the community.

CAROL HANNA MOTIONED TO ACCEPT PC10072020-03: DR Horton Indiana LLC – Secondary Plat for property located near 1,500' West of North Pendleton Avenue & approximately 850' South of C.R. 600 S with the Secondary Plat being Sections 3A & 3B of Carrick Glen, SECONDED BY CONNIE SCHULTZ-HEINZ. ROLL CALL VOTE TAKEN WITH ALL BOARD MEMBERS IN ATTENDANCE VOTING IN FAVOR OF THE MOTION WITH THE EXCEPTION OF KYLE EICHHORN AND JENNY SISSON ABSTAINING. MOTION CARRIED.

Tim Pritchard gave open invitation for any one from panel and/or audience for comments and/or items for discussion.

Rachel Christenson shared her thoughts for the need of moving towards a Moratorium on new builds/major subdivisions in order to keep up with the growth of the Town, especially considering unexpected pauses such as the tornado, staff transitions and Covid-19. Christenson stated that the Planning Department Staff would like to brainstorm on how to become more efficient and become less reactive and more proactive. Christenson added that Town struggles with the residential piece as Ordinance is difficult to use. The following discussions took place:

- Jeff Graham advised that the Plan Commission will need to make a recommendation to the Town Council.

- Tim Pritchard commented that with the growth at 1000 homes, not sure if Moratorium will address the issues entirely, but increased work will definitely tax all departments and feel appropriate to address.
- Jeff Graham added that the period set for the Moratorium can always be lessened if deemed appropriate.
- Kyle Eichhorn commented that a Moratorium will give more time for the Unified Development Ordinance to be approved.
- Carol Hanna commented that a Moratorium will help eliminate burden and asked if feel three or six months will be sufficient. Rachel Christenson stated that the Moratorium will also help the developer and that the Town will establish strict timelines in order to not slow down progress as may cause unintended consequences. Christenson added that the Town needs to get the UDO completed and once completed will help with all projects coming in.
- Tim Pritchard commented that he feels that a 3-month or 6-month Moratorium is needed and if not ready in six months, can always extend to nine months, if deemed necessary.
- Jeff Graham advised of need for a public hearing to address proposal, suggesting October 21, 2020 with virtual participation option available.

TIM PRITCHARD MOTIONED TO HAVE A SPECIAL MEETING ON OCTOBER 21, 2020 AT 7 PM TO ADDRESS PROPOSED MORATORIUM IN CONSIDERATION OF RECOMMENDING TO THE TOWN COUNCIL FOR APPROVAL AND TO ADDRESS SEPTEMBER MEETING MINUTES AS WELL AS NOTICE OF JAMILA ZAFAR, IF NECESSARY; SECONDED BY CONNIE SCHULTZ-HEINZ. ROLL CALL VOTE TAKEN WITH ALL BOARD MEMBERS IN FAVOR OF THE MOTION. MOTION CARRIED.

Meeting adjourned at 8:33 pm.

Special Meeting set October 21, 2020 at 7:00 pm.

Next Regular Meeting set November 4, 2020 at 7:00 pm.

Denise McKee
Administrative Assistant Town of Pendleton