

## **I. CALL TO ORDER**

The Pendleton Plan Commission (PC) met on November 4, 2020 at 7:00 pm at 100 W State Street, Pendleton, Indiana. The meeting was called to order by Tim Pritchard at 7:05 pm.

## **II. 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 Betsy Allen of 572 Redwood Drive Pendleton, Scott Reske of 910 S Broadway, Edward Wolenty representing Pendleton Development LLC of Deckard, Lawyer & Maynard of 505 W 9<sup>th</sup> Street Anderson, Mike Austin representing MI Homes of 911 Meridian Indianapolis, Jonathan Isaacs representing MI Homes of 8445 Woods Crossing, Tim Westerfield representing MI Homes of 8445 Woods Crossing.

## **III. APPROVAL OF MINUTES FROM PREVIOUS MEETING**

**CAROL HANNA MOTIONED, SECONDED BY CONNIE SCHULTZ-HEINZ, THE APPROVAL OF THE OCTOBER 7, 2020 MEETING MINUTES AS WRITTEN. ROLL CALL WAS TAKEN AND ALL MEMBERS APPROVED. MOTION CARRIED.**

**CAROL HANNA MOTIONED, SECONDED BY CONNIE SCHULTZ-HEINZ, THE APPROVAL OF THE OCTOBER 21, 2020 SPECIAL MEETING MINUTES AS WRITTEN. ROLL CALL WAS TAKEN AND ALL MEMBERS APPROVED. MOTION CARRIED.**

## **IV. 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 as well as report from The Planning Workshop, Inc.

Progress made since the October Plan Commission meeting:

- MCCOG preparing an updated timeline for project completion. We estimate we are 6 months behind schedule, but anticipate to make modifications to the original timeline to have the project ready to begin the adoption process in April of 2021.
- Steering Committee Meeting 4 was held on October 28, 2020.
- We will be starting the review process for the Right-of-Way Dedication and Access Management and Control Ordinance at the December PC meeting.
- Location of trees discussed as well as went over survey results in which Planning Staff will send out to Plan Commission via email in near future.
- Expect to have updated timeline at next Plan Commission Meeting.

### **B. Unified Development Ordinance Update –**

Rachel 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 October Plan Commission meeting:

- Kayla Hassett and Deborah Luzier from 'The Planning Workshop' are preparing an updated timeline for project completion. Currently estimate 18 months behind schedule. Anticipate to make modifications to the original timeline to have the project ready to begin the adoption process in April of 2021. Kyle Eichhorn has been a trooper reviewing the documents and appreciates his comments always being right on point.
- Chapters 1,2,4,5,6 and 9 have been reviewed by Staff and Steering Committee and returned to 'The Planning Workshop' for editing.
- Final Focus Group Meeting has been scheduled for December 9, 2020. This group will focus on residential design guidelines. Focus Group numbers are still needed; therefore, if any suggestions, contact Rachel Christenson and she will send invite.

Comments and discussions from PC and Town Staff-

- Kyle Eichhorn asked if there are any more Steering Committee Meetings left to be held. Rachel Christenson replied there is one more left, but await getting through Focus Group Meeting and review of a few changes before setting date for Steering Committee Meeting.

Comments from the general public-

- Edward Wolenty expressed that he had a point of order to raise with procedure. Wolenty further stated that this Commission is out of compliance with the Indiana Code. Tim Pritchard asked Wolenty if he is appearing in representation of someone in particular. Wolenty replied that he is an attorney from Deckard, Lawyer & Maynard in Anderson and present in representation of Pendleton Development LLC. Jeff Graham asked Wolenty of his interest, specifically if claiming a generalized injury. Wolenty replied yes. Graham stated that he believed such had already been noted on the record. Tim Pritchard confirmed that Wolenty's interest was noted on the record at the last PC Meeting. Wolenty stated that the Plan Commission must follow the Robert's Point of Order which states that one whom has taken the floor cannot be interrupted. Graham advised that the PC has not adopted the Robert's Point of Order and advises the PC to proceed with the meeting. Wolenty claimed objection to the propriety of proceeding. Pritchard announced such will be noted in the Meeting Minutes and PC will proceed with the discussion of MI Homes of Indiana.

**C. 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.**

Rachel Christenson reported that the Petitioner, MI Homes of Indiana, had come to the Plan Commission two meetings ago and that the Planning Department has been working with MI Homes over the last couple of months. Christenson welcomed Jonathan Isaacs to share his presentation.

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

- Last few months MI Homes has been working hard to address the concerns outlined by the Plan Commission Board Members, including the driveway location, specifically as to the mid-block at Candlewood Drive and CR 650 to the north.
- Recently met with Planning Department Staff and have a revised site plan that eliminates the mid-block driveway to State Road 9, with roadway connecting to Candlewood Drive to the east and eventually to Falls Park to the west.
- Topography of the site offers two major drainage drains that run to the west as well as two other ridges throughout the development. MI Homes of Indiana wishes to take advantage of the topography.

- Shared images of the original concept plan showing the location of the Paired Villas and Single Family Detached Homes. Plans have now been reevaluated and compromise has been reached eliminating the State Road 9 connection point with placing the Paired Villas to the east of the development and the Single-Family Homes to the west.
- Revised plan provides pedestrian walk to Falls Park.
- Single Family Homes on left cul-de-sac will overlook the football fields and parking lot at the park while the right two cul-de-sacs will overlook Prairie Creek.
- Black line/road to the south of the development will provide a thirty feet buffer as in the front of the neighborhood off State Road 9. Road will extend to the entrance of the subdivision with a 10-12 feet wide path provided thereafter to lead to Falls Park. This path will provide connectivity to the park until MI Homes and Falls Park can make a logical road connection to the park. Falls Park is currently not ready for this road connection.
- Shared images of Paired Villas product:
  - Each unit 1400-1800 square feet with second story loft option offering an additional 400-500 square feet. Three loft options – bedroom/bath; open family room; den/bath.
  - Rear image shows integrated covered rear patio and can be extended an additional six feet with reserve gable for breakfast bay.
  - Patios will be separated by 6 feet tall fence for privacy.
  - Side view shows several windows.
- Shared images of Single-Family Home product:
  - Multiple textures available such as gable treatments
  - Offers product type – SMART
  - Options available including front porches, gable ends for character and variation
  - Use Zip Board Sheathing/siding on all homes which is a wood product coated with weather material where house wrap is not required; tape seams seal up house very well and resistant to wind while under construction - a product used by many custom builders.
- Shared image of State Road 9 landscaping in which tree requirement has been set and to be followed to block visibility of home. Second story loft homes will not have change in roof line with only a possible dormer or additional window option.
- Prairie Creek Overlook Commitments:
  - 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 ½”), 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 will be uniform and 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.
- Prairie Creek Overlook – Overall Site Plan:
  - Eliminated mid-block access from SR 9 and agree to aligning a street with Candlewood which allows future connectivity to Falls Park.
  - A 10-12 feet pathway shall be installed connecting the Prairie Creek Development and Falls Park along the southern boundary of the property currently owned by South Madison Community Foundation.
  - 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 to the community.
- Paired Villas will back up to SR 9 and the single-family homes will be adjacent to the Falls Park.

The following discussions took place:

- Carol Hanna asked if the number of residents have changed since the original plan. Jonathan Isaacs replied that the new plan may have a few additional units, yet still have some engineering work to be done. Isaacs stated that the new plan anticipates about 143-150 units.
- Kyle Eichhorn inquired as to the lot size, width and depth. Jonathan Isaacs replied that the Single-Family homes offer lot of 65 feet wide and 130+ feet deep with the Paired Villas at 90 feet wide and 130+ feet deep with 2 units per lot. Property line will divide each lot into 2 sides, marked such as Lot A & B.
- Brad Ballentine asked if adequate room for emergency vehicles to negotiate and enter/exit. Rachel Christenson commented that she is usually not a fan of cul-de-sacs as desire accommodations for safety and interconnected neighborhoods. Christenson added that she feels cul-de-sacs are appropriate on this site as park and wetlands on the west side, giving limited options other than cul-de-sacs. Christenson also expressed she assumes the site will be engineered in a way to assure vehicles can get in/out appropriately. Jonathan Isaacs commented that they have had discussions with their engineer and whether the Pendleton Fire Department will require a secondary means of ingress/egress on the site. Isaacs also projects that when they come back to the Plan Commission with Primary Plat, he anticipates conversation to have taken place with the Pendleton Fire Department to establish a good location on State Road 9 to establish a fire access lane of approximately 15 feet wide. Christenson added that a good example is at the apartment complex by Interstate 69 when they added the multi-family homes in the rear. Christenson explained that a fire lane was added, not as an entry way, but gated off and only used for emergencies, which worked very well. Ballentine asked if gate will be added to fire lane. Christenson replied the Town will put in place some type of barrier or gating feature to prevent the average person from going through and installed per comforts of MI Homes and the Pendleton Fire Department.
- Brad Ballentine inquired as to the physical separation distance between the units. Jonathan Isaacs stated that the Paired Villas product take up a total of 72 feet on a 90 feet lot, leaving 18 feet separation between each unit. Single-Family homes, with different garage/bump-out options, creates up to 50 feet wide building, offering 15 feet of setback or 7.5 feet side yard setback for each unit.
- Kyle Eichhorn commented, in reference to lot standards, mentioned that the layout does not meet bulk matrix requirements, asking for Petitioner's plans to be in conformance with the bulk matrix. Isaacs commented that they will need to apply for variance for certain standards that cannot be met. Isaacs stated that he believed that 15 feet separation was the standard in the Two-Family District. Eichhorn shared concerns regarding that the lot width is 60 feet yet only offering 45 feet, the 35% maximum lot coverage as well as the Single-Family is 100 feet wide and 14,000 square feet. Eichhorn added that there are no Single-Family in the bulk matrix in the Two-Family Zoning. Eichhorn asked what the Single-Family lot requirement is in the Two-Family Zoning. Kayla Hassett replied that the bulk matrix is silent, but Two-Family Zoning in the Use District does list Single-Family as a permitted use. Hassett further stated that there will be need for interpretation as a Board and will likely require some variances.

- Kyle Eichhorn stated that he assumed Candlewood Drive would be 60 feet full right-of-way, but as does not quite line up, will need to have about 30 feet on their side of the physical center to line Candlewood up to the existing Candlewood Drive to establish right-of-way. An exhibit was shared showing where Candlewood Drive lined up with the 100 feet wide parcel that leads to the park. Jonathan Isaacs commented that the Candlewood Drive right-of-way is narrower and commented he would be surprised if road is 18 feet wide. Isaacs further stated he believes the center of Candlewood Drive sits 25 feet south of property with balance of right-of-way to be on MI Homes side. Isaacs stated that they are contemplating in the plan a 60 feet right-of-way on their side, but does not quite get them lined up. Isaacs also referenced an attempt 20 years ago when the park (Sports Complex) was developed to have a 100 feet wide water easement granted from Begley property to the Town for installation of water line along with a legal description written as an ingress/egress. Isaacs added that the centerline of easement appears to be centerline of Candlewood with 25 feet overlap from south property line on to the neighbors to the south of that easement. Rachel Christenson and Isaacs will meet with the property owner when lining up the road and assuring goals are met.
- Brad Ballentine asked if plans to tie neighborhood into Falls Park to provide connectivity. Rachel Christenson replied that she had pulled out the original Sports Complex plans and it was designed for a second entrance to the park offering two bays, but only one was put into place. Christenson further commented that the layout of the football fields is different from the original plans and once neighborhood is connected to the Sports Complex, will need to work with the park for traffic control. Ballentine added that he is concerned with public safety with a high density of children in that area of the park and needs will exist to control the traffic. Tim Pritchard expressed agreement.
- Tim Pritchard asked about siding material plans. Jonathan Isaacs replied that they prefer upgraded vinyl as used in the Cicero Development, providing a 4.6 thickness with reveal pattern to resemble wood product.
- Kyle Eichhorn shared his preference to have 30 feet buffer yard/common area around the south side of the neighborhood as offered on the front. Jonathan Isaacs will look into this accommodation for the south side as well.
- Rachel Christenson stated that she does not necessarily want to put neighborhoods next to the park, but wishes to integrate the site into the park. Christenson further stated that with the flip of home product locations, putting the Single-Family homes in the rear and Paired Villas off Highway 67, the property will look similar to Pendle Point Homes.
- Rachel Christenson stated that although Falls Park has updated its Master Plan, it has not yet updated its trail system and do not wish to require MI Homes to provide more connectivity in project at this time. Christenson added that with the Bicentennial Project, she expects to have the opportunity to integrate into the development at the wetlands.
- Jonathan Isaacs provided the additional information in response to questions raised by Commission members:
  - 5 feet sidewalks to be installed on both sides of the street.
  - Black dotted line after entrance to neighborhood represents conceptual plans for asphalt path, approximately 10-12 feet wide, to provide connectivity to the park. Intend to place in way that will not be removed when road to park is put in place. Separation between path and road will be created as well as road extension design could take on a different characteristic as could curve more to the south towards the Sports Complex Drive versus the football parking lot.
  - A lot of topography change exists and trying to design so that homes fit into the landscape, including the wetlands, and assure that homes bleed into the park. At northwest part of the site, the nature preserve provides opportunity where very blurred lines will exist between the neighborhood and park/wetland area.

- Spiritual Enterprises LLC owns the property to the south, with backside also to the park. Expects to be commercial property in the future as pricing similar to what is seen downtown Indianapolis versus in the suburbs.
- Property being purchased from the South Madison Community Foundation offers about one-hundred feet, front to back. Rachel Christenson shared an image of the SMCF property, which sits south and west of the proposed neighborhood. Christenson added that MI Homes will also need to work with Cal Wilson and Spiritual Enterprises throughout this project. Isaacs also suggested that if on 30 feet roadway, they may be able to get away with less right-of-way until the land is developed.
- Preliminary discussions have taken place with INDOT as to entrance as well as have been working with local traffic engineer as to the entrance in which recommendations are similar to those of INDOT. Plans may include left turn lane requirement for north bound traffic and right turn lane for south bound traffic, however, have yet to discuss one access point with INDOT.
- Outdoor recreation will offer casual spaces, such as walking trails, sitting areas and passive recreation versus active recreation due to limited land opportunity. As adjacent to park, expect residents to use park for active play/playground. Sidewalks will be put into place to provide connectivity into common spaces as well as common area up to pond will provide natural area by using terrain given.
- Once get more into the design phase, it will dictate homes that will require walkout basement. If lot has flat ground, basement cannot be accommodated, yet if 5-6 feet fall, walk-out basement will be required and Primary Plat will reflect the same.
- Walking path will be implemented in some way to get connectivity to the park near the football fields, but need to look more in detail as to the grading and sewage needs.
- Stormwater Retention Pond will serve as drainage draw and water will run along Prairie Creek and under railroad. Drainage plan will not affect the park and flowrate will remain the same as the pre-developed rate. Projects flow rate to stay the same, despite less land to absorb the water. Will work with Town Engineer to assure volume increases will maintain accurate flow rate of post-development water run-off. Initial drawings of pond may be bigger than necessary, yet will adjust as necessary once drainage needs determined.
- Comments from the public-
  - Betsy Allen, Vice-President of the South Madison Community Foundation, shared a letter provided to MI Homes that maps out what the Foundation desires for the project. Allen expressed their main interests/objectives for the land they hold is to offer the best benefit to the community as well as promotes & upholds the utmost safety. Allen further added that the SMCF seeks from MI Homes the appreciation of connectivity to Falls Park and the opportunity to meet with Park and Town Staff as the project progresses. Allen also added that she has met with Tim Westerfield and his partners from MI Homes at the site a couple of times.
  - Edward Wolenty asked for open status of Town Hall and plans for next week's Town Council meeting. Scott Reske replied that a Town employee and two employee spouses have recently tested positive and therefore, upon learning immediately closed Town Hall until all town employees are tested. Employee tested positive works out of barn, but often in office space. Town staff have been sent home as of late Wednesday afternoon and working from home until all employees are tested on Monday per advisement. Edward Wolenty added that in response to inquiry presented by Jeff Graham earlier in meeting, Wolenty

holds a specific versus general objection and asks that such be noted on the record.

- Tim Pritchard suggested, that with difficulty of discussion via Zoom and in all fairness to MI Homes, the Community and South Madison Community Foundation along with several unanswered questions (such as road widths, need for drawings and drainage plans, connectivity to Falls Park and connection to Candlewood), recommends tabling agenda item to the December Plan Commission Meeting in order to allow discussion in person as well as to have more questions answered.
- Rachel Christenson commented that the Town Staff recommends approval with conditions as well as stated she and Scott Reske has worked to address the issues and believe project can work. Christenson also reminded the PC members that the issue up for discussion tonight is in regards to rezone only versus the Primary Plat where technical matters can be discussed. Christenson also asked that all be mindful that Purchase Agreement is in place with set deadlines.
- Tim Pritchard welcomed a motion from the Board. Rachel Christenson added that should the Board vote tonight, they would be voting to recommend or to not recommend rezone of the property at the next Town Council Meeting.
- Carol Hanna commented that she understands there remains a lot of unknown, but as tonight only looking at rezone of the property with technical issues/details to be hashed out when the Primary Plat is submitted at a later date. Hanna made the following motion:

**CAROL HANNA MOTIONED TO APPROVE REZONE WITH STAFF RECOMMENDATIONS LISTED ON SUMMARY IN PRESENTATION - 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.**

- Jeff Graham asked Carol Hanna for clarification that she is giving favorable recommendation to the Town Council to approve the proposed Ordinance with Staff recommendations and MI Homes commitments. The following discussions took place:
  - Rachel Christenson read Staff recommendations as provided in her presentations, to approve the petition with the following conditions:
    - Petitioner must extend Candlewood Drive to the westernmost north/south road in the subdivision (approximately half the length of the distance between State Road 67 and Falls Park).
    - Curb cuts along State Road 67 will be limited to Candlewood Drive.
    - Petitioner will connect the subdivision to Falls Park with a side-path and will designate areas for future trails to extend pedestrian connectivity to the “Bicentennial Property” in Falls Park.
    - Petitioner will connect the subdivision to the Planned Business Zoning District to the south via a sidewalk or trail connection along the Candlewood Drive extension.
  - Kyle Eichhorn asked if when the property goes to Two-Family zoning and when the Unified Development Ordinance goes out in Spring 2021, will the approved zoning stay the same. Rachel Christenson replied that should the Primary Plat be filed before April 2021, the Petition will be filed under the existing rules and not the new Unified Development Ordinance. Jeff Graham confirmed that MI Homes has invested a lot in the project and petition would fall under current rules.

**CAROL HANNA CONFIRMED HER MOTION STILL STANDS TO APPROVE REZONE WITH STAFF RECOMMENDATIONS LISTED ON SUMMARY IN PRESENTATION.**

**TIM PRITCHARD MOTIONED, SECONDED BY BRAD BALLENTINE, TO DENY FAVORABLE RECOMMENDATION OF THE REZONE TO TOWN COUNCIL. ROLL CALL VOTE TAKEN WITH THE FOLLOWING MEMBERS VOTING 'YES' – TIM PRITCHARD, BRAD BALLENTINE AND FOLLOWING MEMBERS VOTING 'NO' – CAROL HANNA, KYLE EICHHORD, CHERYL RAMEY-HUNT, CONNIE SCHULTZ -HEINZ and JENNY SISSON. MOTION FAILED.**

Upon advisement from Jeff Graham of motion still on the table with no second~

**CAROL HANNA MOTIONED TO APPROVE REZONE WITH STAFF RECOMMENDATIONS LISTED ON SUMMARY IN PRESENTATION; SECONDED BY CONNIE SCHULTZ-HEINZ - 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. ROLL CALL WAS TAKEN WITH THE FOLLOWING MEMBERS VOTING 'YES' – CAROL HANNA, KYLE EICHHORD, CHERYL RAMEY-HUNT, CONNIE SCHULTZ -HEINZ AND JENNY SISSON; FOLLOWING MEMBERS VOTING 'NO' - TIM PRITCHARD and BRAD BALLENTINE. MOTION CARRIED.**

#### **V. NEW BUSINESS**

##### **A. No new business**

#### **VI. ADJOURNMENT**

Meeting adjourned at 8:39 pm.

Next Meeting set December 2, 2020 at 7:00 pm.

Denise McKee  
Administrative Assistant Town of Pendleton