

## **I. CALL TO ORDER**

The Pendleton Plan Commission (PC) met on February 3, 2021 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 Steven Hughes representing Falls Creek Corners of 3104 W US 36, Pendleton, Indiana, Nathan Althouse and Keith VanWenen representing Precise Land Surveying of 920 Main Street, Ryan Phelps representing MCCOG of 739 Main Street Anderson, Brandon Kendera representing MCCOG of 739 Main Street Anderson, Ben Houle of 1828 Central Avenue, #201 Indianapolis, Mark Graf representing Pendleton Veterinary Clinic and Edward Wolenty representing Decker, Lawyer & Maynard of 505 West 9<sup>th</sup> Street, Anderson, Indiana.

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

**CAROL HANNA MOTIONED TO APPROVE THE MEETING MINUTES FROM THE PREVIOUS MEETING, SECONDED BY JENNY SISSON. ROLL CALL TAKEN AND ALL MEMBERS PRESENT VOTED IN FAVOR OF THE MOTION. 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.

Progress made since the January Plan Commission meeting:

- Steering Committee Meeting 5 was held earlier in the day.
- Right of Way and Access Management Control Ordinances discussed and will also be discussed at this meeting to gain favorable or unfavorable support from the Plan Commission members to then take to the Town Council on February 11th for first read should PC vote in favor of the Ordinances.
- On target with schedule with Brandon Kendera and Ryan Phelps of MCCOG.

### **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 January Plan Commission meeting:

- Monthly report #7 provided in Google Drive.
- 82% of the UDO is complete.
- Next steps include:
  - Focus Group Meeting #3, that will focus on residential design guidelines, is scheduled for February 17, 2021 as a bonus meeting to discuss what town leadership is seeking.
  - Steering Committee Meeting #4 to be held in Spring (full UDO will be presented).
  - Public Input Meeting will be held in Spring in conjunction with the Thoroughfare Plan to show how work together and how different.

- Sign guidelines and lighting standards have also been received from Consultant, K.K. Gerhart-Fritz, for review.

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

Kayla Hassett presented the following:

- Not many changes since the January Plan Commission meeting
- Petition proposes to split a two-acre site in half, with Planned Business zoning lot standards.
- Secondary Plan survey raises some technicality questions about easement regarding Ashbury Pointe Apartments.
- Attorney provided agreement addressing roadway utility removal and utility easement reduction, both parties signed.
- Nathan Althouse has discussed quite a bit of information about the curve/line along State Road 67 with Planning Staff.
- If petition gets Plan Commission approval, Hassett feels Planning Staff can work with the Petitioner to get ready to move project forward.
- Hassett confirmed that the utility easement and setback has not been recorded as well as that she will follow up with Fall Creek and Town of Pendleton Utility Department to make sure all on board with petition.
- Staff Findings – Reduction/Removal of Easement – to confirm easement beneficiaries are all in favor of the reduction/removal of easements across Lot 2.
- Staff recommendation – To approve with the condition that staff may approve once all issues have been addressed.

**Motion to Accept PC01062021-01: JATEC Commercial Lots Secondary Plat – 7550 S SR 67 (Miller Surveying) as presented with the exception to get final lot boundary defined after the Plan Commission meeting made by Cheryl Ramey-Hunt and seconded by Jenny Sisson. Roll taken and all members present voted in favor of motion. Motion carried.**

Kayla Hassett clarified that Planning Staff will have final approval and will not seek signatures until all in place.

**V. NEW BUSINESS**

**A. PC01062021-02: Pendleton Veterinary Clinic Site Development Plan (Amendment)- 1011 S. Pendleton Ave. (Graf) – Agenda item discussed at the end of New Business.**

Google Drive presentation included Site Development Plan Application with Phase 1 (existing) and Phase 2 renderings as well as existing Site Plan and Proposed Phase 2 Site Plan. Kayla Hassett presented the following:

- Petition involves vet clinic located at 1011 S. Pendleton Avenue
- Petitioner pursues 2<sup>nd</sup> phase of the Site Development Plan review.
- Phase 1 consists of remodel of the old veterinary building and progress made on the site including the house on adjacent lot has been torn down.
- Sufficient parking space is an issue as Dr. Crabtree has a lot of business and with Covid-19 parking has become a growing concern.
- The whole Site Development Plan is a work in progress.
- Petitioner seeking approval of expanding parking lot and request is in compliance with the Planned Business Design Guidelines.
- As size of property is restricted, seek direction from PC as flesh out elements of the site.

Mark Graf presented the following:

- Interior remodel Phase 1 winding down.
- Phase 2 includes expansions that support grooming and dog behavior focuses, including a detention pond and detention storage.
- Goal for area to be mobile space.
- Expansion project area includes an upstairs to provide breakroom for staff and conference room for meetings.
- Images of renderings by architect provided for review. Architect still needs to address some details as to the interior and wrap around porch. Intend to offer relax feel while waiting with an upscale look.
- Plan offers good drainage and site run off plans. Petitioner also okay with the green space requirements.
- Plan to start design of interior in a month or two, but focus for tonight's meeting revolve around the parking and drainage area.

Kayla Hassett stated that the plans provide an overall layout of the site, including a dog park, fencing and wrap around porch. Hassett also added the following:

- The drive around the side of the building to staff parking lot in the back provides a three-foot separation from the side property, with traffic flowing one-way.
- Sign will be posted stating 'authorized parking only'.
- Ordinance in place does say how wide the drive should be and seeks PC input as to whether this width should be changed.

Kayla Hassett confirmed the following with questions raised:

- A six-foot fence will be placed alongside the drive, around the dog park and parking lot which will shield residential neighbors. Hassett added that Petitioner may want to consider landscaping versus fence.
- The Town of Pendleton has not received negative feedback.
- Offered setbacks and driveway width may not meet the Planned Business Design Guidelines.
- If Right of Way Ordinance adopted, Site Development Plan would be in conflict.
- Town of Pendleton Fire Department still reviewing the Site Development Plan.
- Agreed with Kyle Eichhorn that two access points may be safer.

The following comments/discussions took place:

- Tim Pritchard asked how close the northern home is to the vet clinic. Kayla Hassett replied that there is 60 feet edge to edge.
- Jenny Sisson asked if the back driveway presented any liability issues as design is not consistent with residential set-up. Kayla Hassett replied that the property is zoned Planned Business.
- Kyle Eichhorn expressed concern should the back parking lot be full during an emergency, requiring emergency vehicle access. Brad Ballentine also added concern for truck deliveries and dumpster access. Kayla Hassett replied that there is adequate access to the dumpster. Mark Graf replied that any truck delivery would go to the side & back parking lot, but that volume of product is small. Graf further stated that the largest delivery vehicle is Fed-ex and that there would be sufficient parking in the center of the front parking lot. Graf restated that the back parking lot will be marked as Employee Parking Only. Graf confirmed that they have about 12 employees.
- Carol Hanna asked if neighbors were re-noticed for the Site Development Plan. Kayla Hassett replied that re-noticing is not required for Site Development Plan, but if Petitioner seeks variance through BZA, the Petitioner will need to re-notice.
- Kayla Hassett suggested 5 feet setback off parking line to meet design guidelines. Mark Graf stated that they can provide the two additional feet.
- Carol Hanna expressed concern with the one-way access to back parking lot. Tim Pritchard and Kyle Eichhorn suggested to flip or do loop drive. Mark Graf

stated that Petitioner is trying to pick up large green space in the park to the northside.

- Carol Hanna asked if the fence would go around the dog park and along the parking lot. Tim Pritchard replied yes.
- Brad Ballentine asked if there are light plans suggesting light to shine downward, imitating the downtown style. Ballentine asked if the business operates 24 hours. Mark Graf replied that the Veterinary Clinic operates during standard business hours.
- Tim Pritchard stated that he recommends holding off on decision to await final elevation, layouts and Fire Department input.
- Mark Graf made the following comments:
  - Bare minimum until final elevation and layouts are finished and only seeking tonight the approval of parking layout and drainage plan.
  - After Phase 2 is finalized, Petitioner will come back to Plan Commission.
  - Engineering Solutions looked at best long-term piece in regard to the one-way drive and dumpster location. Two small cars could drive next to each other on the driveway to the back parking lot. Emergency vehicle can get turned around safely.
  - Access off property onto Reformatory might be possible egress easement in the future.
  - Could look into drive around the building, but desired more green space/dog park and with employees did not feel wrap around drive is necessary.
- Jenny Sisson asked if petition raised use of space change and/or business model change with the dog park and questioned if noise concern and need to temper control. Rachel Christenson replied that the business is Planned Business zoning district and did not require conditional use. Christenson also stated that they are a permitted use and a veterinary is allowed fenced in area for pets to use the restroom.
- Tim Pritchard stated that he feels PC needs to wait for the Fire Department input.
- Carol Hanna asked if the dog park will be open to public. Mark Graf replied that the dog park will be allowed for clients and customers only, especially those clients with long travels. Graf also stated that the facility is not a training facility with main focus to look attractive from the road and fit into the neighborhood. Graf also stated that the Petitioner will be very responsive if noise concern from neighbors.
- Kayla Hassett stated that the twelve feet drive to the back is a concern. Hassett asked Mark Graf if Petitioner can explore other options for additional drive or continual loop. Tim Pritchard added that Petitioner should explore other options and seek the Fire Department's input.

**MOTION TO TABLE PC01062021-02: PENDLETON VETERINARY CLINIC SITE DEVELOPMENT PLAN (AMENDMENT)- 1011 S. PENDLETON AVE. (GRAF) TO THE MARCH MEETING MADE BY TIM PRITCHARD. SO TABLED.**

**B. PC020320210-1: Fall Creek Corners Secondary Plat- 3104 W US 36 (LandWorx Engineering)**

Google Drive presentation included Site Development Plan Application. Kayla Hassett presented the following:

- Petitioner came back with Secondary Plat Application which is very similar to the Primary Plat Application.
- Secondary Plat includes shared parking and access covenant.

- Recommend adding stormwater drainage covenant as feel best to have covenant in place before plat divided.
- Recommend the following:
  - Removal of parking setback
  - Drainage convenance
  - Planning Staff has final approval over technical aspects.
- Carol Hanna asked if drainage aspect has been discussed. Kayla Hassett replied that the site is in a low area, lot 2 and lot 1 undeveloped and water pulls in that area; therefore, need for storage areas/management. Hassett expressed concerned that different owners may not work together if no shared drainage covenant in place if property split off. Hassett stated that stormwater detention area will benefit the entire site.
- Ben Houle stated that they have addressed drainage with the Plat itself and established a couple of areas for drainage, but also open to verbiage to add to Plat that owners of all three lots will enter into an agreement regarding drainage management with the other two owners.
- Tim Pritchard stated that when the Site Development Plans come in, will need to see the drainage plans.

**MOTION TO ACCEPT PC020320210-1: FALL CREEK CORNERS SECONDARY PLAT- 3104 W US 36 (LANDWORX ENGINEERING) WITH FINAL STAFF APPROVAL MADE BY KYLE EICHHORN; SECONDED Y JENNY SISSION. ROLL CALL TAKEN AND ALL MEMBERS PRESENT VOTED IN FAVOR OF THE MOTION. MOTION CARRIED.**

### **C. Right of Way Dedication Ordinance**

Google Drive presentation included copy of the proposed Right of Way Ordinance. Brandon Kendera from MCCOG presented the following:

- Both the Right of Way Ordinance and Access Management Control Ordinance both referenced the Thoroughfare Plan Map
- Both will result in a better project for the Town of Pendleton
- Adopted Statewide
- Presentation in Google Drive provided timeline for adoption.
- Right of Way involves:
  - Action from the property owner dedicating the right of way to the Town of Pendleton
  - Prompted by land alternation permit application
  - Dedication Warranty Deed and requires clear title
- The following discussions took place:
  - Brad Ballentine asked how a citizen appeals a decision if disagrees with amount of Right of Way town desires to take. Brandon Kendera replied that upon receipt of land alteration, property owner can respond and ask for a waiver. Ryan Phelps added that the standard site review process will be followed as well as part of negotiation process with Planning Director having final say.
  - Kyle Eichhorn asked if one builds new home and Improvement Location Permit is submitted, will this likewise trigger the Right of Way Dedication. Brandon Kendera replied yes.
  - Brad Ballentine asked if the Historic District Boundary is the same or reduced right of way. Branden Kendera stated that the context zone will be expanded to cover. Kendera further stated that the new Thoroughfare Plan Map does include Falls Park and down Pendleton Avenue. Kendera also added:
    - Context Zone can still set minimum.

- Context Zone gives flexibility especially with the downtown areas which are similar.
- Will include Design Matrix and will help for Right of Way in whatever area in town.
- Can set downtown as 40 feet, but can expand Right of Way as deemed necessary, yet *minimum* set by the Thoroughfare Map.
- Right of Way is a permitted use and use by right.
- Kyle Eichhorn asked if one purchased a five-acre lot, would one be required to dedicate the ROW across the property. Ryan Phelps replied that this is a very common practice, and the ROW Ordinance formalizes the process and saves taxpayer money.
- Kyle Eichhorn asked if the property owner will be compensated for their taking. Ryan Phelps replied that the owner will not be compensated but trade off as bettering the town.
- Jenny Sisson asked if the ROW Ordinance is based on State standards. Ryan Phelps replied that the Access Management Control Ordinance is built off a template of INDOT but can provide sources for the ROW Ordinance.
- Kyle Eichhorn asked if the conveyance is by Plat or by deed. Ryan Phelps replied that the wording currently is conveyed by deed.
- Jenny Sisson asked if this practice is considered best practice. Ryan Phelps replied yes and helps with Eminent Domain by making process easier. Phelps also confirmed that if an owner denies town request, the town can still go through Eminent Domain which will require the town to pay for the taking. Phelps also stated that with the Ordinance, the town can expand the ROW on corridor and as needs to expand and therefore will avoid having to go through Eminent Domain and spend a lot of money.
- Kyle Eichhorn noted that currently property owners own property from edge of pavement to the centerline or roadway. Tim Pritchard stated that the owner owns, but the town still has an easement.
- Rachel Christenson stated that this is a grey area for the Town of Pendleton and will need to be addressed case by case.
- Kayla Hassett also stated that there are corporate boundaries on State Street to consider, some half platted and half not with utilities running on the properties as well as bike/pedestrian designations.
- Kyle Eichhorn suggested the Right of Way Dedication to be a subdivision process as ranging triggers from sign permit to any improvement permit is too broad. Ryan Phelps suggested broad application but allow town discretion to waive. Phelps gave overview of process:
  - ROW Dedication will go through Site Review process
  - Option to waive or not waive.
  - Triggered by permitting process.
  - Ordinance will give town power to take property without Eminent Domain.
- Tim Pritchard asked if in setting the bar high, the Plan Commission can still issue waivers. Jeff Graham confirmed yes. Brad Ballentine expressed concern that too high of bar will result in much opposition. Graham advised that setting too high of standard may give rise to possible lawsuits. Carol Hanna stated that she is in support of setting a high standard but may open selves up to not being consistent and then have to review everything. Tim Pritchard expressed agreement as this approach would be the same as the sign permits requiring PC review on all.
- Ryan Phelps stated that the ROW Ordinance is based on the Thoroughfare Plan which determines planning effort for ROW; therefore, a lot of waivers should not be expected. Also, suggested to set standards as to what the town wants to see.
- Jenny Sisson asked if any examples, responses from other areas using the ROW Ordinance. Ryan Phelps replied that Fortville has applied the standard and was able to acquire the necessary ROW, saving money for the town. Phelps also said that he can provide a list of other precedence across the State.

- Kyle Eichhorn asked if Fortville was triggered by a permit application. Ryan Phelps replied that the process is triggered when the permit applied.
- Carol Hanna expressed concern that if based on the Thoroughfare Plan and give too many waivers, will not be effective to complete the Plan that is in place.
- Tim Pritchard and Kyle Eichhorn both stated that if the town measures/establishes setbacks, it will determine the right of way without requiring the ROW Ordinance.
- Rachel Christenson stated that when new permit applications come in, it is the best way to trigger the process to assure no encroachments are existing. Christenson also stated that this process will allow Planning Staff to decide if the dedication of the Right of Way is appropriate to keep costs down. Christenson added that in the past, they have had opposition to the taking, but could not do anything about it.
- Kyle Eichhorn stated that the town can preserve the corridor with setbacks without the ROW dedication and taking the land without compensation.
- Brad Ballentine asked if the same standards will apply when seeking city and park property. Ryan Phelps replied yes.

**MOTION TO TABLE RIGHT OF WAY DEDICATION ORDINANCE TO THE MARCH MEETING MADE BY TIM PRITCHARD; SECONDED BY BRAD BALLENTINE. SO TABLED.**

At the next meeting, Consultants were asked to provide the following information:

- Context Zone
- Example of other municipalities using the ROW Ordinance.
- Example of comparable Ordinances and if UDO can address just as well.

**D. Access Management Control Ordinance**

Google Drive presentation included copy of the proposed Access Management Control Ordinance. Brandon Kendera from MCCOG presented the following:

- Brandon Kendera gave brief overview of the AMC Ordinance purpose and intent:
  - To establish minimum regulations for access to property from road right of way. Standards are established for new roads, driveways, shared access, parking lot cross-access and service roads.
  - To provide and manage access to lands as it develops, while preserving the regional flow of traffic in terms of safety, capacity, and mobility.
  - To achieve this policy's intent, stated and local thoroughfares have been categorized by function and classified for access purposes based on level of importance. Standards based on traffic analysis by the Town of Pendleton, Madison County, MCCOG and INDOT.
  - Large document, many moving parts, have tested with Planning Staff and made changes as to shortcomings.
- The following discussions took place:
  - Kyle Eichhorn stated that he did not like how continual properties under one owner were limited to one driveway. Ryan Phelps clarified that large parcels have the option to allow multiple drives.
  - Brandon Kendera explained Section 6.1 – Temporary Access Permits and Waivers stating that these are conditional and should expire when the permit expires, 12 months or more of construction. This permit gives temporary access to the property until construction is complete and permanent drive is installed. Ryan Phelps also explained that with a shared drive access, if the property does not have an option for access until developed, the Temporary Access Permit can be issued, until a permanent condition is available.
  - Brad Ballentine raised that some posted speed limits are under 20 miles per hour and asked what the distance between access points would be required. Ryan Phelps stated that they need to address roads under 20 miles per hour. Phelps also stated that distance between access points does not apply to local roads, higher priority corridor

roads, State Street and those included in the Thoroughfare Plan. Phelps stated that higher focus will be on primary, arterial driveways spacing and medians on collector roads, adding that generally collector roads are for driveway spacing.

- Brandon Kendera stated that the Ordinance is to create more safe roads for each business to have their own access to lower the number of wrecks.
- Ryan Phelps stated that the same triggers for the ROW Ordinance will be the same triggers for the AMC Ordinance. Phelps also stated that the AMC Ordinance addresses the residential driveways in neighborhoods on page 14 of the Ordinance.
- Kayla Hassett stated that the Town of Pendleton did expand driveway width to 18 feet to allow two cars to park side by side, but still looking for balance for three car garages that usually offer a setback for the third garage.
- Kyle Eichhorn asked if before the permit is issued, does INDOT have to review. Ryan Phelps replied that request will go to the Town of Pendleton before INDOT. Phelps added that the Ordinance does allow for waivers.

**MOTION TO APPROVE THE ACCESS MANAGEMENT CONTROL ORDINANCE MADE BY CAROL HANNA; SECONDED BY JENNY SISSON. ROLL CALL TAKEN AND ALL MEMBERS VOTED IN FAVOR OF THE MOTION. MOTION CARRIED.**

#### **E. Interchange Master Plan Review**

Google Drive presentation included copy of the proposed Interchange Master Plan and map. Rachel Christenson presented the following:

- New project for Plan Commission to review.
- Redevelopment Commission hired Kimley Horn to develop the Quadrant Master Plan for Exit 219.
- Developed as the south east quadrant of I-69 and State Street may look different if had the opportunity to develop differently as mix uses and traffic flow not ideal.
- Plan shows three blank slates remain to be developed.
- Wish to guide development versus development guide the town.
- The Interchange Market Study most professional seen.
- Revealed the Town of Pendleton is not ready for more commercial business before gaining more rooftops.
- Do not wish for new businesses to compete with the downtown businesses.
- Wish to add development timely and appropriately.
- Christenson gave overview of each section including the Pendleton Business Park and Falls Pointe Business Park, Health and Wellness Section with park/trail systems, a variety of residential areas offering topography changes not suitable for commercial, Advance Manufacturing & Technology District and the Future Keystone Development District.
- Christenson added the following comments:
  - Need to be very timely to not compete with downtown businesses and businesses on State Road 67.
  - Will eventually resemble Exit 210/Saxony.
  - 67 Street Extension Project will cut through this area and potentially connect to 146<sup>th</sup> out of Hamilton County.
  - Master Plan will provide a more comprehensive plan for larger developments down the line.
  - Dash lines represent trail network to connect to downtown and park system.
  - RDC supports but needs PC's help to implement.
- Brad Ballentine commented that the Future Keystone Development District will likely be retail/commercial use and designated for future development as the Town of Pendleton sees fit. Ballentine added that this combined residential and commercial area of live-work-play like Saxony



would be ideal, but timing for the community is the key. Ballentine stated that population growth expectation is for the Town of Pendleton to grow to 40,000 over time.

- Kayla Hassett stated that the market study is conservative but showing that supporting developments could increase population up to 40,000 in 20 years.
- Brad Ballentine asked if the Advanced Manufacturing and Technology District will bring more heavy trucks downtown and on the roundabouts by the interstate. Rachel Christenson replied potentially yes.
- Edward Wolenty stated as representative of two developers in this area – Pendleton Development LLC and Franklin Urbahns, he has not been contacted by the Town of Pendleton in regard to these projects, which impact his clients' properties. Rachel Christenson replied that the Redevelopment Commission is steering heading this project. Wolenty added that if the Keystone Development District is based on residential growth, then questioned why the Town of Pendleton has denied two subdivisions. Christenson replied that the Town of Pendleton has not gotten to that point and will gather public input at a later date. Wolenty stated that he will want to give his input at that time.
- Rachel Christenson confirmed that the 67<sup>th</sup> Street extension runs through the Residential Development District and the Future Keystone Development District. Christenson further stated that the 67<sup>th</sup> Street is set-in design while 146<sup>th</sup> is an idea on paper.
- Tim Pritchard stated that the shaded areas can be changed/grow over time as well as the drainage is a conceptual idea.
- Rachel Christenson added that the Master Plan give the community a vision, can plug in what the Town of Pendleton is looking for and incorporate into the Comprehensive Plan.
- Jenny Sisson commented that the Master Plan pulls the trails, park and downtown together. Tim Pritchard added that it also will have a sewage system already in place.
- Rachel Christenson stated that the Interchange Master Plan is just being presented tonight and encouraged the PC members to attend the March RDC meeting.

## **VI. ADJOURNMENT**

Meeting adjourned by Tim Pritchard at 9:09 pm.

Next meeting March 3, 2021 at 7:00 pm.

Denise McKee  
Administrative Assistant Town of Pendleton