

I. CALL TO ORDER

The Pendleton Plan Commission (PC) met on August 11, 2021 at 7:00 pm at 100 W State Street, Pendleton, Indiana. The Special Meeting was called to order by Tim Pritchard at 7:00 pm.

II. ROLL CALL AND DETERMINATION OF QUORUM

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

Representing the Town were Town Manager Scott Reske, Planning Director Kayla Hassett, Building Inspector Brett Mabrey, Planning and Zoning Administrator Hannah Urbanski, Town Attorney Jeff Graham and Clerk Denise McKee.

Others in attendance were Deb Luzier representing GRW Engineers, Inc. of 9001 N. Wesleyan Road #200, Indianapolis, Indiana 46268, K.K. Gerhart-Fritz representing The Planning Workshop of 7829 Wawasee Court, Indianapolis, Indiana 46250, Edward Wolenty representing Decker, Lawyer & Maynard of 505 West 9th Street, Anderson, Indiana, Suzie Eichhorn of Pendleton, Indiana, Marcy Deshong of Pendleton, Indiana, Chet Babb of 451 Janis Avenue, Pendleton, Indiana 46064 and Becky Perry of 7031 S 300 West, Pendleton, Indiana 46064.

III. APPROVAL OF MINUTES OF PREVIOUS MEETING

TIM PRITCHARD MOTIONED TO TABLE THE APPROVAL OF THE MEETING MINUTES FROM THE AUGUST 4, 2021 MEETING AS NOT AVAILABLE.

IV. OLD BUSINESS

A. Unified Development Ordinance (UDO) and Right of Way Dedication Update –

Review of Unified Development Ordinance (UDO) & Right of Way Dedication- 1st reading

Tim Pritchard made motion to suspend Special Meeting and open Public Hearing regarding the Unified Development Ordinance (UDO) and Right of Way Dedication

Kayla Hassett thanked all for attending and for their help in development this community lead document. Hassett also commented that the Town of Pendleton Planning Department wishes to retire the old Ordinance and adopt the UDO with new format and modern concepts. Hassett turned the presentation over to K.K. Gerhart-Fritz to present the UDO to the Plan Commission.

K.K. Gerhart-Fritz from the Planning Workshop, in person and Deb Luzier from GRW Engineering, Inc, via zoom, presented the following information:

- UDO and Right of Way Dedication Document available in Google Drive.
- Reasons why the Zoning and Subdivision Ordinances is being rewritten –
 - Make development/redevelopment/infill/ preservation more user-friendly
 - Electronic access versus hard copy
 - Address new land uses
 - Follow new State/Federal Laws & Case Law
 - Implement Best Practices & Technology Changes
 - Synchronize plan recommendations
 - Correct existing errors
 - Formalize “Handshake” Development
- What is a UDO?
 - Zoning Ordinance + Subdivision Ordinance = UDO

- Combining the Ordinances made sense & more efficient
 - Combines Zoning Ordinance and Subdivision Ordinance into one documents, aka Unified Development Ordinance
 - Best way to enforce wishes into plans
- How do we approach the UDO:
 - Guided by local steering committee & focus groups.
 - Staff outlined concerns with current Ordinances
 - Consultants reviewed existing Ordinances for internal conflicts & conflicts with laws, non-typical standards & best practices
 - Looked at 2018 Comprehensive Plan, 2015 Downtown Revitalization Plan, 2017 Bike & Pedestrian Plan, New 2021 Thoroughfare Plan to make recommendations
 - Clarify & Simplify the Process – used local input & in-house technical experts
 - Develop clear requirements, but gave choices when possible
 - Reviewed by Town Attorney
 - Preserved Pendleton's unique character while being proactive about the future
- UDO Steering Committee – thanked them for their work on the project, process including:
 - Extensive input for plans
 - 4 Steering Committee Meetings
 - 2 Focus Group Meetings
 - Public Review draft & Open House
 - Ordinance Adoption Process including legal notice, Plan Commission Public Hearing, Town Council Adoption and Notice of Adoption
- Provided overview of each of the Ten Chapters of the UDO (details provided in Google Drive), including:
 - Introductory Provisions including legal background & revision of zoning districts
 - Zoning Districts
 - Site Development Standards
 - Use Development Standards
 - Subdivision Types
 - Subdivision Design Regulations
 - Subdivision Administration & Procedures
 - Non-Conforming Lots, Structures & Uses
 - Appendix 1- Land Use Matrix
 - Appendix 2- Construction Design Standards & Specifications

The following discussions took place:

- Tim Pritchard commented that need to keep in mind that the documents is over 240 pages, huge Ordinance and going forward can update and amend as the Town of Pendleton changes and grows.
- K.K. Gerhart-Fritz stated that the document is meant to be updated and changed over time.
- Tim Pritchard stated that it is very important to get into place as may not be able to annex/expand the Town of Pendleton.
- Jeff Graham advised that the UDO can be updated by going through the Public Hearing complete process and sending favorable recommendation to the Town Council.
- Jeff Graham also confirmed that the UDO will go into effect once it is published in the newspaper in addition to link being provided town website and copies available at Town Hall.
- Carol Hanna suggested placing the UDO on the calendar each year for review. Brad Ballentine agreed and suggesting review more often in the beginning such as quarterly or semi-annual. Tim Pritchard asked Kayla Hassett to make note for quarterly review. Jenny Sisson recommended to also compare with legal cases & developments as well as updated laws and best practices. Tim Pritchard announced that the Plan

Commission will start quarterly review of the UDO at the October 2021 Plan Commission Meeting.

- Brad Ballentine suggested modifying the maximum height of structures to be the same for all residential types. Ballentine added that per the current UDO, carriage house for accessory garage may not be allowed. Deb Luzier replied that the resident can always request for a variance to deviate from the standards.
- Marcy DeShong, a member of the Steering Committee, shared that it was difficult to deal with the structure limits. DeShong expressed that although she agrees there should be flexibility especially with older homes, control is needed as well. Tim Pritchard added that he agrees with the need for set minimum, but can review on a case-by-case basis as needed. Pritchard and Carol Hanna expressed agreement in need to keep control, but make changes as necessary. Hanna also stated that being conservative in the beginning will likely be best.
- Brad Ballentine expressed concern regarding the 10 feet minimum side setback and the 30 feet minimum rear setback. Kayla Hassett stated that these setback requirements are looked at as a *minimum*, while still preserving some space and based on current neighboring developments. Ballentine expressed interest in increasing the setbacks to 30 feet. Kyle Eichhorn stated that the Plan Commission can look at it case-by-case.
- Kayla Hassett commented that lot coverage requirements and setback requirements will need to be followed, but will also give owners some flexibility with their own properties.
- Connie Shultz-Heinz expressed concern about minimal setbacks as lots are very small, especially with SF 3-4. Shultz-Heinz also stated that there are many problems existing in the document and concerned some things are not getting fixed. Shultz-Heinz added that she feels that approval of Secondary Plats should to in front of Plan Commission versus Planning Staff. K.K. Gerhart-Fritz commented that internal review of the Secondary Plat is still subject to meeting standards under the UDO and not required by law to be approved by Plan Commission.
- Jeff Graham advised that the UDO Document in Google Drive will require four votes to recommend to Town Council, including any changes being sought. Graham further advised that any draft will likewise require formal vote.
- Tim Pritchard stated that there has been interest expressed by Plan Commission members to increase the side and rear setback requirements, increase minimum lot size per square feet and maximum height of SF 1 to 30 feet.
- Marcy DeShong stated that she sat on the Steering Committee for two years and much discussion included support for providing affordable homes on smaller lots, as not wanting to put large lot standard on other people. DeShong commented that not all individuals want park yards and there is a market for homes such as these. DeShong asked the Plan Commission to remain open minded and consider the option for different sized lots. Connie Shultz-Heinz replied that the 80/20 rule should apply – where the needs of many should out-way the needs of the few. DeShong added that she feels this approach will lead to discriminatory community.
- Kayla Hassett stated that the document has been on FB and town website in addition held a Public Workshop, all while only receiving one comment card about lighting standards.
- Ed Wolenty from Decker, Lawyer & Maynard, in representation of land owners expressed concern that the Plan Commission body is not in compliance with requirements and therefore not in place to make decisions. Wolenty objects on the record as to the compensation of the body. Wolenty advised that his client wants the Town to grow, but as an observer, deems Marcy DeShong's comments valid as the cost of housing has increased substantially over the years, making larger lots not affordable.
- Kyle Eichhorn asked if homes in the sale price of \$280 - \$360K is most affordable. Connie Shultz-Heinz replied that Huntzinger Farm is selling homes in the \$160K+.
- Suzie Eichhorn expressed concern in regards to the wind and solar energy section of the UDO. Eichhorn stated that she has a lot of experience with the industry of wind and

solar and does not believe the people of Pendleton will want to see wind and solar farms. Eichhorn recommended that the UDO needs to address larger setback requirements, set decibels at 35 and provisions for infrasound and chemical composition. Eichhorn expressed concern that the wind energy portion of the UDO was very generic as likely crafted by wind companies. Eichhorn stated that communities with solar energy show reduction of school enrollment, decrease in property values and individuals unable to sell their homes. Eichhorn also suggested increasing the 200-500 foot setback requirement, with setbacks even more so for turbines reaching 700 feet. Eichhorn added that she has witnessed a lot of people, families and communities divided when these solar contracts are signed. Eichhorn understands that these developments may not be able to be banned, but should tighten up the limits.

- Tim Pritchard commented that the Town of Pendleton is trying to protect the Town by putting things in place as best as possible.
- Kayla Hassett stated that both solar and wind energy uses are deemed conditional use which would require going before the Board of Zoning Appeals and subject to strict review.
- Kurt Stephenson shared that he lives three miles outside the Town of Pendleton as well as serves on the Madison County Zoning Appeals. Stephenson stated that he supports some solar projects while does not support others. Stephenson suggested putting protections in place in which will in turn impact the South Madison Community Schools and those right outside of the town as well.
- Jenny Sisson expressed concern should too strict requirements be put in place and if funds become available through the State of Indiana, the Town could lose out on this funding, such as EPA.
- Suzie Eichhorn stated that her main concerns were the following: infrasound, aesthetics and difficulty selling homes.
- Tim Pritchard asked Kayla Hassett to place solar and wind energy on the October 2021 Agenda.
- Kyle Eichhorn asked if best to ban the topic from the UDO and then add back in later. Jeff Graham advised that the banning approach would be the only way to avoid going in front of the Board of Zoning Appeals. However, if included in the UDO, treated as a conditional use and will need to go in front of the BZA for review.

Motion to accept the rural residential and SF 1 amendment to change 30 feet from 25 feet on primary building height to match the other home types, making uniform standards for SF 1-4, made by Brad Ballentine; seconded by Connie Shultz-Heinz; roll call taken and all members voted in favor of said motion; motion carried.

Tim Pritchard asked if there was a favorable recommendation of the UDO with follow-up review and amendments to address minimum 10 foot setback and minimum lot size. The following discussions took place:

- Kyle Eichhorn suggested to table the motion.
- Kayla Hassett stated that Town Staff deserves to have the UDO in place to receive training from the consultants before a major subdivision comes into Town. Hassett encouraged the Plan Commission to look at the setbacks and lots sizes as was deliberated by the Steering Committee for three years now. Hassett stated that she would like to keep the UDO as is and review again at the October Plan Commission Meeting.
- Tim Pritchard added that Plan Commission also has the September PC Meeting to hash out the details.
- Jeff Graham advised that one the UDO passes, the moratorium will be lifted as soon as the UDO is approved. Tim Pritchard acknowledged that if Plan Commission recommends the UDO at tonight's meeting and Town Council passes the next evening, then the moratorium will be lifted in two days.

- Kyle Eichhorn commented that many questions have not been addressed.
- Connie Shultz-Heinz expressed concern about lot sizes and suggested to bring in SF 3 & 4 into SF1 & 2. Jenny Sisson asked what is the ideal lot size as a lot of factors to take into account, including special needs, need for flexibility and do not want to be discriminatory.
- Kayla Hassett suggested should the Plan Commission give favorable recommendation of the UDO, that upon approval, it will not go into effect until 30 days or at the end of the moratorium date of October 8, 2021.
- Marcy DeShong stated that although she does not live in the Town of Pendleton, she owns business in the Town of Pendleton and served on the UDO Steering Committee. DeShong shared that she has enjoyed working with the committee and learning from their expertise from the consultants as well as co-committee members. DeShong stated that the committee spent hours of reading, sharing expertise and put a lot of hard work into the project, giving their best recommendations.
- Tim Pritchard asked Plan Commission members to type a list of their concerns and sent email to all Plan Commission members including minimum lot size options, minimum setbacks, solar and wind farms and buffer yards.
- Kyle Eichhorn suggested waiting until the September Plan Commission Meeting, holding as another Public Hearing to then take to Town Council in September.
- Tim Pritchard stated that the Town Staff seeks to get the UDO in place and then address these items monthly and/or as necessary.
- Kayla Hassett stated that she has been in and out of the new and old Ordinances and the old Ordinance has many existing mistakes. Hassett shared that the new UDO sets forth clear standards for all and ready to move forward with the document as well as tired as Planning Director to talk about the moratorium. Hassett added that she expects more changes and updates, but can address as they come.
- Tim Pritchard stated that the Plan Commission still has control over the developer's proposals.
- Kyle Eichhorn stated that rezoning is ultimately addressed by Town Council. Jeff Graham advised that the new Zoning Map will likely be proposed sometime in October 2021.

Motion to make a favorable recommendation of the UDO with change of effective date to October 8, 2021 and to include height change as approved earlier in the meeting made by Tim Pritchard; seconded by Carol Hanna; Jenny Sisson, Carol Hanna, Tim Pritchard and Kyle Eichhorn voted in favor of motion while Brad Ballentine and Connie Shultz-Heinz opposed to motion; motion carried.

V. NEW BUSINESS

No new business.

VI. ADJOURNMENT

Meeting adjourned by Tim Pritchard at 9:11 pm.

Next meeting September 1, 2021 at 7:00 pm.

Denise McKee
Pendleton Municipal Utilities