

The Pendleton Plan Commission (PC) met on October 21, 2020 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. Commission members present were Tim Pritchard, Kyle Eichhorn, Jenny Sisson, Connie Schultz-Heinz and Carol Hanna. 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 Bob Jones of 117 W Water Street in Pendleton, Shane Davis of 140 Hawthorne Drive, Jamila Zafar of 6108 West Foster Branch Drive, Chet Babb of 451 Janis Avenue and Lynne Lawyer of 505 West 9th Street in Anderson.

MINUTES

CAROL HANNA MOTIONED, SECONDED BY CONNIE SCHULTZ-HEINZ, THE APPROVAL OF THE SEPTEMBER 2, 2020 MEETING MINUTES WITH MINOR CORRECTION. ROLL CALL WAS TAKEN AND ALL MEMBERS APPROVED. MOTION CARRIED.

OLD 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.

(Presentation provided in Google Drive)

Kayla Hassett reported the following:

- Replat available to review in Google Drive Presentation.
- One revision made to Replat Application as missed proper noticing for two property owners ~ Franklin Urbahns and Pendleton Development LLC.
- Proper notice has now been given to all property owners within 300 feet radius and received no word from property owners.

Staff Findings-

- Proposed replat meets or exceeds all bulk matrix requirements.
- There are no easements or utility line locations along side 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.

Lynne Lawyer representing both Franklin Urbahns and Pendleton Development LLC, reported the following:

- Clients did receive notice.
- Clients have no objection to the combination of lots as petitioned by Jamila Zafar Revocable Trust by Jamila Zafar, Trustee.
- Does not believe the Plan Commission has the authority to approve this Replat.

Jeff Graham advised that he disagrees with Lynne Lawyer in her claims that the Plan Commission does not have authority to approve the Replat. Graham further commented that this matter is currently being litigated and that he has no further comment.

- B. TIM PRITCHARD MOTIONED, SECONDED BY JENNY SISSON, TO APPROVE PETITIONER'S REQUEST TO APPROVE THE REPLAT PC10072020-01: Jamila Zafar Revocable Trust by Jamila Zafar, Trustee – Replat for property located at 6108 West Foster Branch Drive. ROLL CALL VOTE TAKEN WITH ALL BOARD MEMBERS PRESENT VOTING IN FAVOR OF THE MOTION. MOTION CARRIED.**

NEW BUSINESS

- A. Public Hearing Regarding Recommendation of an Ordinance to Establish a Moratorium on amendments to the zoning map that propose more intense land use and residential primary plat petitions creating more than three lots.**

(Presentation provided in Google Drive)

Rachel Christenson reported the following:

- Moratorium was briefly discussed at last Plan Commission Meeting and scheduled for tonight's Special Meeting to discuss further.
- Planning Department Staff have discussed and went over projects and plans to determine the path to completion of Essential Planning Documents.
- Discovered Planning Department is behind seventeen months on the Unified Development Ordinance and six months behind on the Thoroughfare Plan Update.
- 2019 and 2020 presented unusual circumstance for all, including staff shortage, tornado, Covid-19 as well as staff transitions.

Staff Recommendation –

- Six months Moratorium to get UDOU to the April Plan Commission Hearing and then to Town Council for adoption.
- Propose about the same time-frame (six months) for the adoption of the Thoroughfare Plan Update.
- Propose six months for the Moratorium, yet if can get work accomplished beforehand, seek drafting of the Ordinance in such a manner to lift Moratorium sooner, if possible.

Jeff Graham read Ordinance 22 and advised that it will be presented to the Town Council at their Special Meeting scheduled to also take place on October 21, 2020. Graham added that the Plan Commission members can vote in favor, neutral or unfavorable of the recommendation to establish a Moratorium on the zoning action. Graham also advised the following:

- Need Unified Development Code to proceed with amendments to the zoning map that meet the criteria outlined.
- Plan Commission can propose Moratorium to go into effect 180-days from the adoption of the Moratorium Ordinance or the date the Unified Development Code is approved.
- If a developer has invested a lot of funds and Ordinance is approved tomorrow, there will be remedy available.
- Decision tonight is to recommend or not recommend the Moratorium Ordinance to the Town Council.

The following discussions took place:

- Jenny Sisson asked if the Moratorium is approved, will there then be reportable(s) involving benchmarks in December, January and February. Rachel Christenson replied that the Planning Department will work with the Consultants to give updates/summaries

of tasks completed as well as tasks needed to be completed and present to the Plan Commission each month.

- Kyle Eichhorn asked for clarification from Jeff Graham, specifically, whether a Moratorium would apply to a development with *three or more lots* or *more than three*. Graham advised the Ordinance would apply to *three or more lots*.
- Rachel Christenson confirmed that there were no comments/public input online.

TIM PRITCHARD MOTIONED TO APPROVE FAVORABLE RECOMMENDATION TO THE TOWN COUNCIL OF AN ORDINANCE TO ESTABLISH A MORATORIUM ON AMENDMENTS TO THE ZONING MAP THAT PROPOSE MORE INTENSE LAND USE AND RESIDENTIAL PRIMARY PLAY PETITIONS CREATING MORE THAN THREE LOTS.

Meeting adjourned at 7:13 pm.

Next meeting November 4, 2020 at 7:00 pm.

Denise McKee
Administrative Assistant Town of Pendleton