

## **I. CALL TO ORDER**

The Pendleton Plan Commission (PC) met on January 4, 2023 at 7:00 pm at 100 W State Street, Pendleton, Indiana. The meeting was called to order by Tim Pritchard at 7:00 pm.

## **II. ROLL CALL AND DETERMINATION OF QUORUM**

Commission members present in-person were Tim Pritchard, Brad Ballentine, Kyle Eichhorn, Carol Hanna, Cheryl Ramey-Hunt, Jenny Sisson, and Andrew Holloway. A quorum was established and Pritchard welcomed newly appointed member Holloway to the Board.

Representing the Town in-person were Hannahrose Urbanski Planning Director, Denise McKee Planning and Zoning Administrator, Jeff Graham Town Attorney.

Others present: Marissa Skaggs Town Council Member, Chet Babb Town Council President, Rachele Martin of Serendipity Hair Salon, Garry Brammer of 6228 W Foster Branch Dr, Jane Green of Foster Ridge, Greg Kimball of 6989 S 600 W, Lisa Holverson of 5435 W SR 38, Jason Gaines of Gaines Development, Ed Wolenty of Decker, Lawyer and Maynard, Chris Farrar, Jim Nelson and Randy Smith of LKQ, Eric Safko and Cody Barnes of ARCO.

## **III. OATH OF OFFICE**

Prior to the start of the meeting, new Board Member Andrew Holloway was sworn in by Town Attorney Jeff Graham.

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

**Tim Pritchard requested a motion to approve the November 2022 Meeting Minutes; motion made by Brad Ballentine, seconded by Kyle Eichhorn. Roll call taken and all members present voted in favor of the motion. Motion carried.**

## **V. ELECTION OF OFFICERS**

Jeff Graham presented the positions of President, Vice-President and Secretary, stating the President and Vice-President must come from the membership however, the Secretary does not. This position can be filled by a Town employee.

**Graham requested nominations for President. Kyle Eichhorn nominated Tim Pritchard, Brad Ballentine seconded. All members voted in favor; motion carried. Graham requested nominations for Vice-President. Jenny Sisson nominated Kyle Eichhorn, Tim Pritchard seconded. All members voted in favor; motion carried. Graham requested nominations for Secretary. Brad Ballentine nominated Carol Hanna, Tim Pritchard seconded. All members voted in favor; motion carried.**

## **VI. OLD BUSINESS**

N/A

## **VII. NEW BUSINESS**

- A. PC01042023-01: 3189 W Angle Rd. Rezone from Institutional to General Business. Tim Lemon via Rachele Martin.**

Hannahrose Urbanski presented the rezone request:

- Currently Zoned Institutional; previously a small church that has not been in use for quite some time, and is currently not in use otherwise. Approximately 1.29 acres.
- Applicant is requesting a rezone from Institutional (I) to General Business (GB) for a small business. Church use will no longer be utilized. If building is ever demolished for a new build, it will go through site plan development review.

Hannahrose Urbanski presented the Staff Analysis, which is to analyze the petition against the UDO and other approved plans to present facts and analysis. Based on that analysis, staff has the following comments:

- Church/Institutional use has not been utilized in recent years.
- Parcel is surrounded by GB zoning/uses, and a GB zoning fits well in this area.
- Fits size requirements for a GB lot as well as necessary ingress/egress access (existing).

Tim Pritchard solicited questions/comments from the Board and Public.

- What kind of business will this be? Petitioner Rachele Martin said that is yet to be determined.
- Are there plans to build on? Martin replied no.
- Will there be high traffic flow? Martin replied that is uncertain. She provided background on why they purchased this building. She has admired that property and the church building, and now would like to provide an opportunity for the high school students to have a place to go without crossing the road in the dangerous area north of the high school.
- Is parking adequate? Martin replied it is not well-defined at this point.
- Urbanski stated that this site would have to meet all the permitted uses of GB.

**Tim Pritchard entertained a motion to approve PC01042023-01 for requested rezone from Institutional to General Business. Motion made by Jenny Sisson. Seconded by Kyle Eichhorn. All members present voted in favor of said motion. Motion carried.**

**B. PC01042023-02: 5517 W SR 38. Rezone form Agriculture-Large Lot to Light Industrial. Gaines Development LLC via LKQ Midwest Inc.**

Hannahrose Urbanski presented the rezone request:

- Applicant is requesting a rezone of 2 parcels, both currently Zoned AG-1 (large lot agriculture) and used for seasonal farming; approximately 113 acres combined.
- Located within the I-69 Interchange Master Plan area.
- LKQ is a Fortune 300 global distributor of replacement vehicle parts, components and systems used in repair and maintenance of vehicles and specialty products. Not a public access facility. Warehouse proposed along SR 38, approximately 229,400 SF with an approximately 70-acre stone yard.
- On-site detention along west, retaining natural tree bufferyard along western border as well as other locations of existing natural spaces on-site where feasible.
- Bufferyards, berms and solid metal fencing will be utilized around entire property.
- Low daily traffic per traffic analysis study. (Study not provided).

Jim Nelson of LKQ presented:

- Nelson introduced the team that attended.

- Team has high interest in the land, identifying it as a perfect use for their facility; and feel that the Town's plan for high-end residential is flawed.
- LKQ is a Fortune 300 company that once established, builds partnerships in the community, providing school scholarships, employment opportunities, etc.
- LKQ will meet all architectural and landscape standards. It is a green company that exceeds all environmental standards. They perform standard stormwater testing, independent environmental audits, annual employee compliance training, and presents no smoke, smell or excess noise from the facility.
- This is an extremely valuable project to an entity like Pendleton due to being a significant number on the Town's tax roll. LKQ is not asking for any tax abatements.
- Nelson provided history on LKQ's evolution. (Hard copy of presentation and Zoom recording available). Recycling efforts were highlighted.
- 800,000+ vehicles are dismantled a year.
- In Indiana, LKQ currently employs 143 people in 7 smaller facilities.
- Traffic Impact Analysis indicates significantly less traffic for LKQ than a residential development, and no traffic flow through Town.
- This is not a public access/walk up facility; an 8ft.solid panel fences would surround entire property perimeter, no storage above 4 ft and extensive landscape buffer and screening.
- Pendleton Facility would be 229,400 SF tilt wall building; 113-acre site, \$35-\$40 million estimated project cost.

#### Questions and Discussion:

- Tim Pritchard requested Jim Nelson to review LKQ's process of dismantling vehicles: 2 flatbed trailers per day arrive at facility with 5-6 damaged vehicles; deemed totaled by insurance. Much of the car is salvageable, it is disassembled within 24 hours, salvageable parts are cataloged and inventoried and stored in warehouse. The parts are then distributed around the country to auto shops, dealers, etc. The UPS type box trucks would be used for outgoing orders. Parts that are not removed/cataloged/inventoried/stored such as small computer parts/chips are left on the vehicle in the storage yard and removed when needed. The storage yard is overflow which allows for inventory to get out the door quickly. Cars are parked strategically within ½ inch. Generally 3- 4 times a year, cars that are totally utilized are scrapped, about 15% of the yard; schedule a car crusher, sell out the metal. The car crusher noise is less than the decibel level of a semi-truck. Crusher is placed in the middle of the yard where it will not be seen. The screening will be such that you will not be able to see the yard. This would be their most well-screened facility to date. This facility in Pendleton would be one of about 10 more that will be built in the country in the next 3-6 years.
- Regarding the employment numbers, Pendleton facility would employ 80+. The current 7 Indiana facilities employ 143. Some of those facilities will be closed.
- The fence will be all metal, painted material on a berm. Berm height will be 3-5 feet when all is finished, total height of fence is 8 feet. Line of sights will be run to make sure height is appropriate. Scaled renderings of line of sight from the interstate were requested. Some current trees would be preserved outside the fence, as well as new ones planted.
- Jenny Sisson reiterated the approved Town plans were created with resident input, and questions were brought up as to why this is the perfect location for this facility. The proposal does not seem to flow with current plans and the surroundings. Nelson stated that in his 33 years of land plans, they evolve for whatever reason. This is a

perfect location because the land is flat, and the surroundings: a campground and a farm equipment dealer; this facility is less-intrusive, and the close vicinity to the interstate. Trucks will not compete with residents on Town roads. When asked how the surrounding land, specifically the parcel to the west would blend with this facility, Nelson replied that would be up to the Town. Residential properties touching an interstate, excluding mobile home parks and apartments, are not being done according to Nelson.

- Carol Hanna voiced that the point of the Keystone Development District is being overlooked. Even though it is just a plan/vision, the Town has one chance to get this area right. Referencing the I-69 Interchange Master Plan, Hanna stated the Highway 38 frontage is an integral part of the Keystone Development with a future vision and population standards. High-end residential may not be the best use, but at this time it is undefined area. The proposed location of the facility negates possibilities of future road and trail connectivity.
- Sisson pointed out that residential is already being developed to the west, and future considerations need to be made for population growth, traffic flow and new roads that would go directly through this land. Connectivity from Town and over the pedestrian bridge is being developed and is an overall part of the vision for walking and bike trails. This facility does not allow for that.
- Nelson replied that sometimes plans need to be changed, and there is a balance between growth and protecting the community, but understanding that some degree of growth needs to happen to keep jobs and young people. The utility draw from this facility would be significantly less than even a minimal number of homes. But if you are insistent on it being residential, then there is nothing they can do. This facility is for the Town; one Fortune 300 company that will use the entire site, be an attractive site, and create the jobs will be hard to criticize four years down the road.
- Brad Ballentine inquired about the 70-acre gravel lot: how many vehicles will it support? Approximately 8,000 when full. Where is the fuel recovery done; gas, anti-freeze, oil? It is all done on-site inside the facility; it's the first thing that is done when a car comes in. It is drained and reused immediately; 800 gallons oil, 500 gallons anti-freeze pumped out above ground bi-weekly. It is transported out by EPA Approved person. LKQ is paid for these recycled components. Ballentine asked whether any parts are re-manufactured. It was said that all parts are only recycled. Ballentine asked about the current employees at the existing Indiana facilities, and would they be protected if they wanted to move to this facility? How many new jobs would be created versus relocating personnel? Approximately 50. Ballentine asked where tires are stored, and was informed no more than 75 tires can be stored at one time, and they are removed from the facility once a week.
- Cheryl Ramey-Hunt asked what happens to a facility when it gets closed down and how long before this facility would become obsolete? Nelson answered that another developer would buy it and demolish it to rebuild. The buildings being closed are smaller facilities not originally built with this concept, and generally do not meet all the environmental requirements. These were typically smaller previously locally owned shops. Hunt expressed if Light Industry is what we really want here; she expressed appreciation for their business and recycling efforts. Her opinion was that this type of facility should be further out and is this what we want visually coming into Town.

Tim Pritchard invited questions/comments from the Public:

- Greg Kimball – what is the likelihood of a sister facility to locate close by? It would be very unlikely.
- Jane Green – are there environmental discharges in the water or air? This would be included in the permitted conditions and since this is a Fortune 300 publicly traded company, and environmental disaster would be a real problem for the company which they want to avoid. Green expressed concern over facility use on S 600 W. All access points would be off 38.
- Andrew Holloway – what preventative methods are used with potential leeching of fluids from vehicles in the stone yard that could get into the soil and detention area, which could become hazardous 20 years in the future? Operationally there is nothing to produce it; in contrast a Walmart or Tractor Supply lot creates 100% more than what this yard would produce. Monthly samples are taken and monitored from the ponds.
- Garry Brammer – asks if 113 acres for 50 jobs is the best use for Light Industrial for Pendleton? He indicated that it may be the best use of that land for LKQ. His concern was the large amount of acreage for small amount of jobs. He does not see that this is a win for Pendleton. He references the amount of time and effort that has been put into future plans, and that this project is not the best use.
- Jim Nelson backs up his opinion that high-end residential is not the best use for this land.
- Jason Gaines – indicated his understanding about the planning and vision; he has been a part of this family farm for a couple decades. He stated he thinks Pendleton deserves a Fortune 300 company and the opportunity to keep young people in town. Gaines expressed his comfort level with traffic flow. He thinks the proposed facility would benefit property owners and other businesses. He shares the concern over the property, but he does not get inquiries about building houses on this property. He feels this is an opportunity to draw more people into town to do business.
- Willie Boles – shared that he has had a professional relationship with this company due to his auto business. They provide a quality service that is getting hard to find; original replacement body parts.
- Edward Wolenty – informed he represents the landowner immediately to the west of the property of discussion. He is disappointed there was no discussion or contact with him about this proposal prior to tonight. He conceded there has been a tremendous effort that has gone into the Master Plan; he has witnessed the care that has gone into the Plan. Even though he and his client have not always agreed on details of the Plan, they have appreciated the level of care that has gone into it by the Boards. Wolenty says this project will change the entire character of this quadrant. He questioned the height of lot storage. Contrary to Mr. Gaines, this property has been actively solicited for residential use, and that this has been the Board's desire for residential use. He stated his opposition to this development and ask that this Board does not approve the development as it is not in keeping with the carefully developed Master Plans.

Tim Pritchard summarized two valid points from each side:

- First and foremost, LKQ did an outstanding job with the presentation. The building and site are attractive and efforts were made to ensure it is upscale and first-class.
- Secondly, the weight is on the Board's shoulders to decide what we want there: if we want to change our Plan from residential or not; citing he does not agree or disagree, but that sometimes plans change.

Additional comments and discussion:

- Pritchard summarized two valid points from each side: 1) The Board has to do their homework to determine if it should be kept as Residential or changed to Light Industrial, or whatever we want to be there moving forward.
- Pritchard recommended that this proposal be continued to the February meeting; requesting site elevations from LKQ with berm and fence views from the interstate with various stored vehicle frame placements inside the yard, and real pictures of current facilities and how they are screened and what is surrounding those facilities.
- Pritchard stated the Board's job will be to determine what the Board and Town really want to see happen with this corridor going forward. We do not want to miss a good opportunity, but there have been valid concerns raised by the Board.
- Kyle Eichhorn referenced the Keystone District, which starts south of 38, and requested if there is any way to move the LKQ building down and reserve some out lots for future commercial development, indicating that is what the Keystone corridor is for. The Comprehensive Plan has that as Planned Business and not Residential. Nelson inquired what amount of acreage is requested for the Commercial Reserve. Eichhorn estimated a typical 2-acre out lot deep.
- Carol Hanna indicated that they may all agree that high-end residential is not right, but it needs to flow between the existing homes to the west and this property.
- Scott Reske requested elevations from outside northbound radius of I-69 and the overpass from the west.
- Jim Nelson confirmed information requested for next meeting.

**Tim Pritchard made a motion to continue this hearing to the February 1, 2023 meeting based on comments and questions from tonight. Seconded by Cheryl Ramey-Hunt. All members present voted in favor of said motion. Motion carried.**

Pritchard addressed the Board stating they need to determine what they want to be at that quadrant; keep it as Residential, some Light Industrial. Hannahrose Urbanski offered to collect and summarize information that went into the plan for that quadrant. Cheryl Ramey-Hunt expressed her opinion that even if a proposal meets requirements, it may not be the right fit. Pritchard questioned why that particular land is of interest when cheaper land is a little further up the interstate. Carol Hanna stated that the other side of the interstate should be focused on first. Jenny Sisson stated the vision needs to be narrowed down which can help attract the right projects. Kyle Eichhorn stated they need to unify the Interchange Plan with the Comprehensive Plan where they differ. Brad Ballentine state the need for a vision of the north and south side of 38 at the gateway to the Keystone District. He also referenced the impact to the pedestrian and bike traffic and linking the east side of the interstate to the west. Sisson raised the overpass pedestrian bridge as an example of future plans to link both sides of Town and how those plans potentially route through those properties.

**C. Discussion Only: Possible re-zone of Begley Property back to AG-2 (original zoning)**

Hannahrose Urbanski summarized:

- Property was rezoned to SF-4 from Agriculture-2 in August 2022. Owners: Prairie Creek Partnership and South Madison Community Foundation. Applicant on behalf of Owner: Indianapolis LD, LLC and Rousch Coleman Homes, decided to not move forward with the 99-lot subdivision in which they requested the rezone, and sale of property was not completed.

- Plan Commission can petition to revert the zoning back to AG-2; enabling a potential new developer to tailor the site as needed.
- There has been no further interest for development on this site.

**Tim Pritchard made a motion to request Hannahrose Urbanski as the Planning Director to petition the Board to rezone the Begley Property back to AG-2, with proper notice to surrounding homeowners. Seconded by Carol Hanna. All members present voted in favor of said motion. Motion carried.**

#### **D. PC Rules Update**

Hannahrose Urbanski presented updates that she has worked on with assistance from Jeff Graham. These updates included:

- Updating code references to the 2021 UDO.
- Clarity on PC role regarding Secondary Plats and Site Development Plan Review which no longer go through PC, but only zone changes, primary plats, and approving/amending new Town Plans and Codes.
- Clarity on approved mailing types.
- References to Zoom being an accepted form of applicant participation.

Jenny Sisson requested red-lined versions of drafts to better compare updates, moving forward.

Updates to be reviewed at February meeting.

#### **VI. ADJOURNMENT**

Meeting adjourned by Tim Pritchard at 8:55 pm.

Next meeting February 1, 2023 at 7:00 pm.