

I. CALL TO ORDER

The Pendleton Plan Commission (PC) met on April 6, 2022 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, Kyle Eichhorn, Carol Hanna, Jenny Sisson, Cheryl Ramey-Hunt and Connie Shultz-Heinz. A quorum was established.

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

Others in attendance were Town Council Member Marissa Skaggs, Town Council President Chet Babb, Edward Wolenty representing Decker, Lawyer & Maynard of 505 West 9th Street, Anderson, Indiana, Kris Farrar and T.J. Farrar of 907 Red Oak Lane, Pendleton, Indiana, Shree Kulkarni of 4000 Smith Road, Suite 190, Cincinnati, OH, Joe Calderon of 11 S. Meridian, Indianapolis, IN, Scott Wolf of Fishers, IN, Ashley Adams of 800 Red Oak Lane, Pendleton, IN, Tony Dargo of 903 Red Oak Lane, Pendleton, IN, Victor Reyes of Roger Ward Engineering, Jon Jackson of 908 Red Oak Lane, Kyle Smith of 510 S. Main, Pendleton, IN, David Gilman of 211 S. Ritter Avenue, Suite H, Indianapolis, IN and Park Director Aaron Burris.

III. APPROVAL OF MINUTES OF PREVIOUS MEETING

KYLE EICHHORN MOTIONED TO APPROVE THE MEETING MINUTES FROM THE MARCH 2, 2022 MEETING; SECONDED BY JENNY SISSON. ROLL CALL TAKEN AND ALL MEMBERS PRESENT VOTED IN FAVOR OF THE MOTION. MOTION CARRIED.

IV. OLD BUSINESS

- A. PC03022022-01 – Request in zoning change from AG-1 to GB, LI, MF-2 and R/OS districts. 0 SR 38 parcel ID: 48-14-17-300-005.000-013. JDK Kids LLC.

Hannahrose Urbanski introduced Joe Calderon, Attorney for Petitioner, Shree Kulkarni, to continue discussion from the March 2022 Plan Commission Meeting.

Presentation and images presented and provided in Google Drive.

Joe Calderon provided hard copy of property layout, Exhibit 1 and reported the following:

- Heard the Town and nearby neighbor's concerns for road placement; therefore, pushed the extension of Heritage Way westward towards the center of the property.
- In reconfigurations of the property, also addressed concerns expressed by the neighbors to the east, adjacent to Petitioner's property.
- Propose to transition property zoning districts from commercial at State Street, to Multi-family, to Recreation Open Space, and then to Light Industry.
- Believes plan in line with Comprehensive Plan and Town of Pendleton expectations as it adopted the I-69 Interchange Master Plan.
- Offered Statement of Commitments for Plan Commission consideration, Exhibit 2, which will eventually be recorded against the land.
- Commitments offered include the following:
 - Protect tree line against back end of Red Oak properties;

B. Park Impact Fees

Aaron Burris, Park Director, presented the Park Impact Fee Program to the Plan Commission Members.

Burris also clarified that Baker Tilly advised that rate increase cannot be incorporated year after year, unless lowered the rate at the beginning. Burris also clarified that there is a 1.5% inflation built into the analysis.

Jeff Graham advised there is a specific rate for Detached and Attached Single Family as well as Multi-Family properties.

Tim Pritchard moved to Open the Public Hearing for the Park Impact Fees.

Motion to submit a Favorable Recommendation to the Town Council on the Park Impact Fees made by Carol Hannahrose; seconded by Tim Pritchard. Roll call taken and all members present approved said motion; motion carried.

Tim Pritchard moved to close the Public Hearing and resumed the regular meeting.

V. NEW BUSINESS

A. Primary Plat Kyle Smith- Discussion Only

Hannahrose Urbanski introduced David Gilman, representative for Petitioner Kyle Smith on Primary Plan for property at Arabian Point. Urbanski clarified that Petitioner is only attending for discussion and feedback only. Images provided in Presentation and Google Drive.

David Gilman shared the following information:

- Arabian Point will consist of SF-2 to the south of the property and RC to the north.
- Seeking feedback for Primary Plat hearing.
- BZA granted Design Standards Variance; Plan Commission approved rezone of districts.
- Seeking waiver from subdivision alley requirement in the RC section.
- RC Districts architecture standards do permit attached garage with one of the following three features provided:
 - The attached garage has a noticeably greater setback than the front elevation of the home; or
 - The attached garage is side loading or rear loading; or
 - The attached garage fills a maximum of 1/3 of the length of the front elevation.
- Petitioner feels can meet standard with attached garage in RC as provides choice of side, rear or alley per the UDO.
- UDO requires preservation of residential character nearby and some have front driveway, u-shaped driveways and/or street parking.

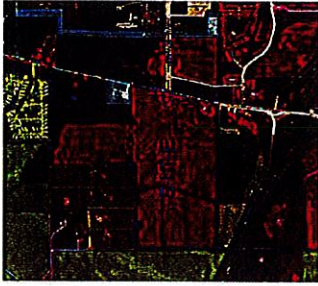
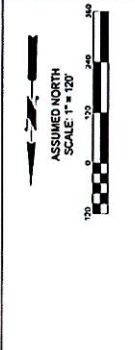
- Scott Reske stressed traffic concerns on narrow Main Street and that adding driveways will compound problem as too difficult to widen with existing pipe.

VI. ADJOURNMENT

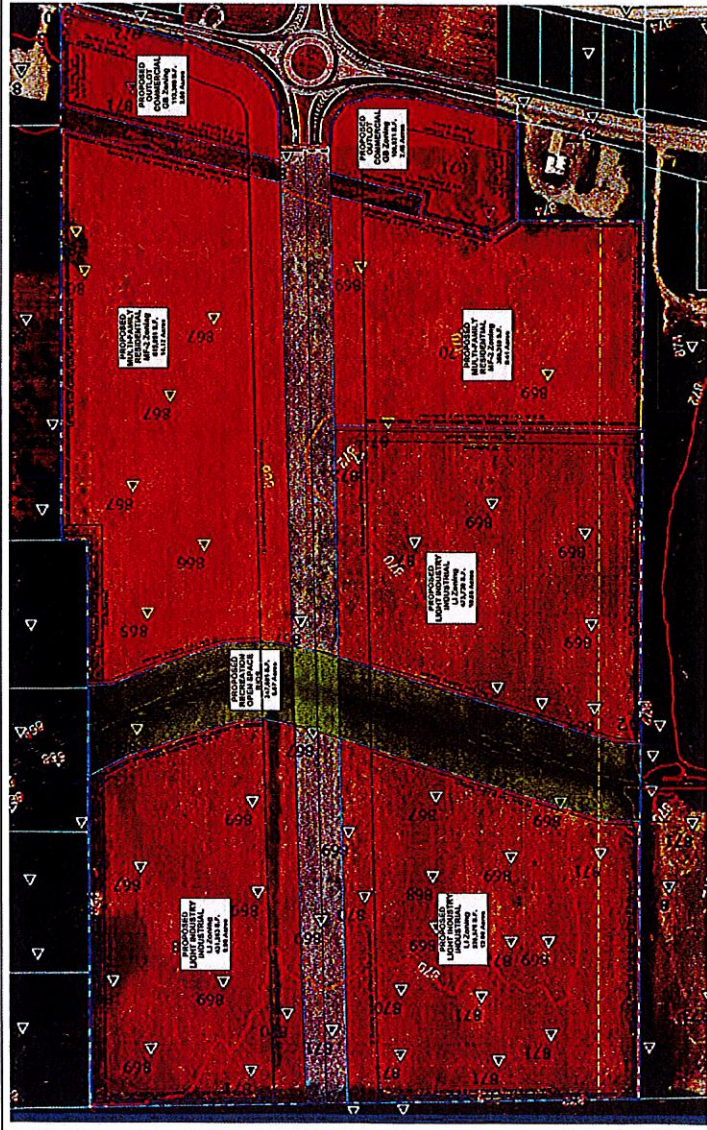
Meeting adjourned by Tim Pritchard at 8:37 pm.

Next meeting May 4, 2022 at 7:00 pm.

Denise McKee
Pendleton Municipal Utilities



CURRENT ZONING MAP
 1" = 400 FEET



LAND USE LEGEND

- GB - GENERAL BUSINESS**
- MF-2 - MULTI-FAMILY RESIDENTIAL**
- LI - LIGHT INDUSTRIAL**
- R/OS - RECREATION / OPEN SPACE**

DEVELOPMENT SUMMARY
 APPROXIMATE PARCEL AREA = 3,209,500 S.F. / 73.69 AC. +/-
 CURRENT SITE ZONING = PG - PLANNED BUSINESS
 PROPOSED SITE ZONING:
 GB - GENERAL BUSINESS @ 5.05 ACRES +/-
 MF-2 - MULTI-FAMILY RESIDENTIAL @ 22.53 ACRES +/-
 LI - LIGHT INDUSTRIAL @ 32.87 ACRES +/-
 R/OS - RECREATION OPEN SPACE @ 5.67 ACRES +/-

EXHIBIT I

STATEMENT OF COMMITMENTS

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Madison County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate: .

Legal Description: SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED BY REFERENCE

Statement of COMMITMENTS:

1. The Owner shall preserve as many healthy non-invasive trees along the common border with 901, 903, 907 and 909 Red Oak Lane as is reasonably possible.
2. The Owner shall meet or exceed the buffer yard standards imposed by the Town of Pendleton Unified Development Ordinance in effect on the date these Commitments are executed, and shall not seek a variance to reduce the buffer yard standards along any common boundary with 901, 903, 907 and 909 Red Oak Lane.
3. All free standing or wall mounted lights for commercial or light industrial uses located east of Heritage Way shall feature cut-off shields in order to reduce the possibility of light spilling over the east property line of the Subject Property.

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein.

These COMMITMENTS may be modified or terminated by a decision of the Town of Pendleton Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # PC 03022022-01 by the Pendleton Town Council changing the zoning classification of the real estate from an AG-1 zoning classification to a GB, LI, MF-2 and R/OS zoning classification; and
- (b) shall continue in effect for as long as the above-described parcel of real estate remains zoned to the GB, LI, MF-2 and R/OS zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by the Town of Pendleton Plan Commission or the Pendleton Town Council:

The Town of Pendleton Plan Commission hereby authorizes the Owner to record this Commitment in the office of the Recorder of Madison County, Indiana, upon final approval of petition # PC 03022022-01.

IN WITNESS WHEREOF, owner has executed this instrument this _____ day of _____, 2022

JDK Kids, LLC, an
Indiana limited liability company

By: _____
Shree Kulkarni, Authorized Member

STATE OF FLORIDA)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared Shree Kulkarni, the authorized member of JDK Kids, LLC, an Indiana limited liability company owner(s) (title / organization name) of the real estate who acknowledged the execution of the foregoing instrument for and on behalf of said limited liability company.

Witness my hand and Notarial Seal this
_____ day of _____, 20 _____

Notary Public

Printed Name of Notary Public

My Commission expires: _____

My County of residence: _____

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law. Joseph D. Calderon

This instrument was prepared by Joseph D. Calderon, Attorney-at-Law, Barnes & Thornburg LLP, 11 South Meridian Street, Indianapolis, Indiana 46204.

EXHIBIT "A"

LOCATED IN MADISON COUNTY, IN THE STATE OF INDIANA, TO WIT:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 18 NORTH, RANGE 7 EAST, THENCE NORTH 88 DEGREES, 29 MINUTES, 42 SECONDS EAST (ASSUMED BEARING) 1,310.432 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER TO THE NORTHEAST CORNER OF THE WEST HALF OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES, 39 MINUTES, 25 SECONDS EAST 1,331.932 FEET ALONG THE EAST LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SOUTHWEST QUARTER, THENCE NORTH 87 DEGREES, 59 MINUTES, 57 SECONDS EAST 59.701 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THENCE SOUTH 00 DEGREES, 39 MINUTES, 25 SECONDS EAST 1,270.539 FEET TO A POINT ON THE CENTER LINE OF STATE ROAD NO. 38, THENCE NORTH 78 DEGREES, 05 MINUTES, 19 SECONDS WEST 1,111.393 FEET ALONG SAID CENTER LINE OF STATE ROAD NO. 38, THENCE NORTH 00 DEGREES, 10 MINUTES, 25 SECONDS WEST 276.020 FEET, THENCE SOUTH 89 DEGREES, 49 MINUTES, 35 SECONDS WEST 304.96 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 17, THENCE NORTH 00 DEGREES, 10 MINUTES, 25 SECONDS WEST 2,061.251 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

BEING A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 18 NORTH, RANGE 7 EAST AND CONTAINING 71.952 ACRES, MORE OR LESS, AND BEING A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 18 NORTH, RANGE 7 EAST AND CONTAINING 1.730 ACRES, MORE OR LESS, CONTAINING IN ALL 73.682 ACRES, MORE OR LESS. SUBJECT TO LEGAL RIGHTS-OF-WAY.

EXCEPTING THEREFROM

A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 18 NORTH, RANGE 7 EAST, MADISON COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTORS LAND LYING WITHIN THE RIGHT OF WAY LINES DEPICTED ON THE ATTACHED RIGHT OF WAY PARCEL PLAT MARKED EXHIBIT "B" DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST CORNER (SIC) OF SECTION 17, TOWNSHIP 18 NORTH, RANGE 7 EAST; THENCE NORTH 88 DEGREES 29 MINUTES 42 SECONDS EAST 1310.432 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER TO THE NORTHEAST CORNER OF THE WEST HALF OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 39 MINUTES 25 SECONDS EAST 1331.932 FEET ALONG THE EAST LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SOUTHWEST QUARTER; THENCE NORTH 87 DEGREES 59 MINUTES 57 SECONDS EAST 59.701 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 39 MINUTES 25 SECONDS EAST 1270.539 FEET TO A POINT ON THE CENTER LINE OF STATE ROAD 38 (THE

FOREGOING PORTION OF THIS DESCRIPTION BEGINNING WITH "AT THE NORTHWEST CORNER OF THE SOUTHWEST CORNER" IS TAKEN FROM THE LEGAL DESCRIPTION CONTAINED IN THE WARRANTY DEED RECORDED AS INSTRUMENT NO. 9175229 IN THE OFFICE OF SAID RECORDER); THENCE NORTH 77 DEGREES 35 MINUTES 15 SECONDS WEST 319.85 FEET ALONG SAID CENTER LINE TO POINT DESIGNATED "325" ON SAID PARCEL PLAT AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 77 DEGREES 35 MINUTES 15 SECONDS WEST 791.54 FEET ALONG SAID CENTER LINE TO THE SOUTHWEST CORNER OF THE TRACT OF LAND CONVEYED BY SAID WARRANTY DEED; THENCE NORTH 00 DEGREES 19 MINUTES 21 SECONDS EAST 40.91 FEET ALONG THE WEST LINE OF SAID TRACT OF LAND; THENCE SOUTH 77 DEGREES 35 MINUTES 15 SECONDS EAST 243.11 FEET TO POINT DESIGNATED "303" ON SAID PARCEL PLAT; THENCE SOUTH 85 DEGREES 57 MINUTES 12 SECONDS EAST 103.10 FOOT TO POINT DESIGNATED "304" ON SAID PARCEL PLAT; THENCE NORTH 72 DEGREES 51 MINUTES 08 SECONDS EAST 77.03 FEET TO POINT DESIGNATED "305" ON SAID PARCEL PLAT; THENCE NORTH 34 DEGREES 31 MINUTES 10 SECONDS EAST 53.23 FEET TO POINT DESIGNATED "306" ON SAID PARCEL PLAT; THENCE NORTH 04 DEGREES 20 MINUTES 54 SECONDS EAST 66.19 FEET TO POINT DESIGNATED "307" ON SAID PARCEL PLAT; THENCE SOUTH 89 DEGREES 59 MINUTES 02 SECONDS EAST 120.00 FEET TO POINT DESIGNATED "308" ON SAID PARCEL PLAT; THENCE SOUTH 01 DEGREE 41 MINUTES 07 SECONDS EAST 101.04 FEET TO POINT DESIGNATED "309" ON SAID PARCEL PLAT; THENCE SOUTH 21 DEGREES 18 MINUTES 20 SECONDS EAST 58.44 FEET TO POINT DESIGNATED "310" ON SAID PARCEL PLAT; THENCE SOUTH 46 DEGREES 28 MINUTES 43 SECONDS EAST 67.74 FEET TO POINT DESIGNATED "311" ON SAID PARCEL PLAT; THENCE SOUTH 70 DEGREES 44 MINUTES 41 SECONDS EAST 100.72 FEET TO POINT DESIGNATED "312" ON SAID PARCEL PLAT; THENCE SOUTH 64 DEGREES 11 MINUTES 10 SECONDS EAST 46.26 FEET TO POINT DESIGNATED "313" ON SAID PARCEL PLAT; THENCE SOUTH 12 DEGREES 24 MINUTES 45 SECONDS WEST 29.28 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.476 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT OF WAY WHICH CONTAINS 0.540 ACRES, FOR A NET ADDITIONAL TAKING OF 0.936 ACRES MORE OR LESS.