

I. CALL TO ORDER

The Pendleton Plan Commission (PC) met on November 1, 2023 at 7:00 pm at 100 W State Street, Pendleton, Indiana. The meeting was called to order by Tim Pritchard at 7:01 pm.

II. ROLL CALL AND DETERMINATION OF QUORUM

Commission members present in-person were Tim Pritchard, Kyle Eichhorn, Carol Hanna, Jenny Sisson, Brad Ballentine. A quorum was established.

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

Others present: Marissa Skaggs Town Council President, Bob Jones, D Hine, Dwight Cogtac, Kay Cooper, Lisa Cooper, Robin Brammer, Greg Valentine, Bryon Stommel, Barry Staldine, Garry Brammer, Becky Wilson, Brian & Jet Ziegler, Brian Tuohy of D.R. Horton Indiana, 50 S Meridian Indianapolis, Lee Phillips of D.R. Horton, Gordon Cright

III. APPROVAL OF OCTOBER 2023 MEETING MINUTES

Tim Pritchard requested a motion to approve the September 2023 Meeting Minutes; motion made by Brad Ballentine, seconded by Kyle Eichhorn. Roll call vote taken and all members present voted in favor of the motion. Motion carried.

IV. OLD BUSINESS

V. NEW BUSINESS

A. PC10042023-01: 0 S 600 W and 0 State Road 38. Parcel ID: 48-14-19-200-003.000-013 & 48-14-18- 300-004.000-013. Proposed rezone of approximately 98 acres of Large Lot Agriculture land (A-1) to Single-Family (SF-3) zoning. Franklin Urbahns & Pendleton Development LLC via D.R. Horton - Indiana, LLC by Brian J. Tuohy.

Tim Pritchard read statement regarding the Plan Commission's and Town's procedure for reviewing and approving petitions as outlined by State Law.

Hannahrose Urbanski presented:

- Current use/site details: Property fronts on SR 38 and 600 W, west of I-69 Interchange
- Property is two parcels combined at approximately 96 acres
- Zoned: Large Lot Agriculture (A-1). Currently used as seasonal agriculture field
- Petitioner is requesting a Rezone from Large Lot Agriculture (A-1) to Residential - Small Lot (SF-3)
- Zoning Minimums for SF-3
 - Minimum lot size required - 7,350 sqft.
 - Minimum living area ground floor - 800 sqft
 - Minimum width of primary structure - 18 ft
 - Minimum lot width - 60 ft.
 - Minimum rear yard setback - 25 ft.
 - Minimum side yard setback - 10 ft.
 - Minimum front yard setback - 25 to 40 ft depending on road •classification (local or collector)

- These standards are all minimum requirements, developer can increase any of these items to fit a certain product or location on site

Brian Tuohy of D.R. Horton Indiana presented:

- Provided geographical description of the land and surrounding area, including interstate exchange
- Indicated the proposed development fits with the mixture of current zoning: commercial use to residential
- Tuohy stated that it is unlikely the property bordering I-69 would be developed as residential
- Horton proposed a 213-home development; approximately 2.1 homes per acre
- 10-acre area of mature trees would be preserved, either with a deed restriction or donated to the Park so that it would remain as a green space; located directly across from the homes on 600
- The entire development is ringed with green space with 50ft buffer, as the field to the east may likely be developed as industrial or multi-family
- The front 11 lots, which would be larger at about ½ acre and more expensive, would share two access points and have a 70-80ft buffer from 600
- Trails would come from SR 38 to trails in the wooded area
- Amenities of playgrounds and pickle ball courts for residents, maintained by HOA
- Tuohy referenced a prior zoning as a PUD, which allowed for single and multi-family homes and planned businesses, with a density of 2.5 SF homes or 8 MF units per acre; what is being proposed is 150 less units; what is being proposed is less dense, eliminates commercial use and has larger homes
- Types of homes were reviewed: the 11 lots off 600 would be an executive series with mandatory brick \$500,000-\$550,000 at 3,000 SqFt; remaining homes would be \$350,000-\$375,000 and \$400,000-\$425,000, similar to homes built in Carrick Glen with an average selling price of \$375,000
- Rezone is being requested to SF-3
 - 11 lots at 21,500 SF minimum lot size 100' wide lot
 - Remaining interior lots at 7,500 SF minimum lot size 60' wide lot
 - Ranch and Two-story homes: minimum 1,600 SF for Ranch, minimum 2,200 SF for two-story
 - 2 & 3 car garages
 - Detailed front elevations
 - Front elevation wall plane off-sets
 - Multiple gables or roof-line changes
 - Brick or stone masonry component
 - Fiber cement siding (lap, shake, board and batten, etc.)
 - Exterior trim details (1x trim, shutters, siding brackets, etc.)
 - Dimensional shingles
 - Anticipated Sales Price: \$350,000 - \$500,000
- The Petitioner commits to the following:
 - Builders of homes within the Site shall offer exterior siding material made only of brick or stone masonry, wood, fiber cement board, composite or lap siding, board and batten siding, shake siding or a combination of such materials. No vinyl siding shall be permitted on any homes constructed in the Baker's Pointe Subdivision ("Subdivision")
 - All 11 homes constructed on the approximate 11 lots in the executive style section of the Subdivision located along CR 600 West ("Executive Section") as

- approximately shown on the attached Preliminary Concept Plan shall be constructed with brick or masonry exterior materials on a minimum of seventy percent (70%) of the front elevations of such homes, exclusive of windows, doors, other openings and areas above a roof line
- A minimum of fifty percent (50%) of homes excluding homes in the Executive Section (which are covered by Commitment No. 2) shall have brick or masonry material on the front elevation
 - The entryways to the Subdivision off of CR 600 West and off of SR 38 shall include entryway signage and landscaping features and a median entryway; such improvements shall be maintained by the Home Owner's Association established for the Subdivision
 - There shall be no more than two points of ingress and egress to and from CR 600 West and the Executive Section of the Subdivision
 - The approximate 10-acre Woodland Preserve Area shall be deeded to the Subdivision's HOA with a deed restriction limiting the use of such land to a tree preservation area which may include walking trails and similar compatible improvements or deeded to the Town for purposes of public park use with the goal of maintaining and preserving the existing wooded area to the extent as reasonably practical. This commitment shall not prevent the removal of dead or diseased trees within the area, nor shall this commitment prevent the installation of drainage improvements or other utilities within such area. The Developer shall receive a credit against the Town's park impact fees equal to the appraised value of the Woodland Area plus the estimated cost to install pathways or parking areas related to the Woodland Area, as determined by the average of two independent appraisers selected by the Town and the Developer
 - Prior to approval of the final plat of the Subdivision, the Developer and the Town shall agree on the location and size of a paved emergency access pathway from CR 600 South into the site south of the Woodland Preserve Area; such emergency access pathway shall be paved and approximately ten feet wide and may be used as part of a walking / biking path within the Subdivision
 - The Developer shall prepay the Town the total Road Impact Fees for all lots in the Executive Section ("Road Fees") in effect at the time the Developer first applies for a building permit for any of the approximately 11 lots in the Executive Section; Road Fees related to obtaining building permits for all other homes in the Subdivision not located in the Executive Section, shall be paid at the time Developer applies for a building permit for each home
- Tuohy summarized the proposed rezone:
 - Proposed residential neighborhood is appropriate use between existing residential neighborhoods and general business uses along interstate
 - Preservation of 10 ac +/- Woodland Preserve Area with 10' wide trails
 - Architectural commitments prohibit use of vinyl siding
 - Proposed design provides improved access to State Road 38
 - Approval will allow development of an unimproved site resulting in substantial increase to assessed value and Pendleton tax base
 - Proposed single-family neighborhood is significantly less dense than previously approved mixed-use PUD
 - Tuohy referenced a prior neighborhood meeting where there were concerns from residents about school capacity; Tuohy contacted SMCSC Superintendent Mark Hall who responded that the schools are at only 85% capacity and that includes transfer students who live outside the district, and that this development would add students gradually over time as homes are built versus an apartment complex

- Tuohy cited the Town’s 2021 I-69 Interchange Master Plan, which this property is part of the SW Quadrant of the Plan, and that per the market study this quadrant “indicates that executive style single-family homes will have market traction at this location, neighborhood trails that connect to the park, the Keystone District and to downtown, will increase the appeal of this area for higher-end residential development.” Tuohy also noted the Single-Family Residential section of this Plan states “density can be used to successfully buffer existing housing from higher intensity uses that develop in the future, that single-family residential units offer a land use that can scale and buffer existing uses. The Town of Pendleton has indicated a focused interest in attracting executive-level housing; the majority of the household growth over the next five years will be in households earning over \$50,000 annually, with the most of that focused on those earning \$100,000-\$200,000, resulting in measured demand for executive level housing, with price points over \$350,000.”

Hannahrose Urbanski reviewed Staff Analysis:

- The function of Planning staff is to analyze the petition against the Comprehensive Plan, other approved/relevant plans and ordinances, as well as any existing conditions and/or variances placed upon the site, to present facts and analysis. Based on that analysis, staff has the following comments:
 - Property is shown in 2018 Comprehensive Plan as a PUD, which while a now disallowed zoning district, indicates this area is suggested for future use as a residential development. The 2021 I-69 Plan also shows this area as single-family residential, that could incorporate executive housing, with park and trail space
 - Per both of these plans, a residential use in this area is considered desirable and appropriate. Per Objective 5.2, (Comprehensive Plan) diverse housing types within the same neighborhood are encouraged
 - Preservation of the 10-acre woodland is consistent with Objective 2.5 (Comprehensive Plan), which requires all new residential developments to be within walking distance of a park, recreation or open area. It is also consistent with Objective 3.8, which promotes the preservation of natural features in new development or redevelopment
 - Conceptual layout is generally consistent with applicable standards. Exact engineering is done in the Primary and Secondary platting phases for items such as; density, street/sidewalk widths, access management, architecture, landscaping, etc. that must meet applicable standards. Primary Platting is again petitioned to the Plan Commission for approval
 - Proposed rezone is not injurious to public health, welfare or safety
- Based on Indiana Code and the Town of Pendleton’s Unified Development Ordinance, PC considers the following for a vote and recommendation to Town Council:
 - The Comprehensive Plan
 - Current conditions and the character of current structures and uses in each district
 - The most desirable use for which the land in each district is adapted
 - The conservation of property values throughout the jurisdiction
 - Responsible development and growth
- PC can vote to recommend: Neutral, Favorable, Unfavorable (all with or without conditions), or to Continue

- Upon receiving the Planning Commission recommendation, Town Council will vote for adoption/denial of the proposed zone change at the November 9, 2023 meeting or continue and have up to 90 calendar days to vote.

Tim Pritchard invited questions/comments from the Board:

- Carol Hanna inquired about planned improvements to 600W; Brian Tuohy replied improvements would likely happen after the development so as not to tear up a new road with constriction equipment
- Jenny Sisson asked if the homes could be designed by the buyer, indicating that people want that choice with high-end homes; Lee Phillips of D.R. Horton responded that was an on-going discussion as to how much decision-making is to be done by homeowners versus the builder; in the majority of their neighborhoods D.R. Horton makes most of the decisions, but they are looking at that for this development
- Sisson referenced a partnership between Horton and the makers of Hardy plank, and asked if there would be a larger variety of colors for the Hardy plank; Phillips responded that they have numerous national partnerships, and those decisions have not been made regarding colors
- Kyle Eichhorn inquired about the commitment to saving the 10-acre wooded lot and concerns about drains that run through it; Gordon Cright with the engineering firm, confirmed the drainage pipe does run through the woods, but final design plans have not yet been made
- Eichhorn pointed out the 40 ft buffer requirement along 600W
- Eichhorn noted the requested credit for the 10-acre woods against the impact fees for that acreage, but that it is being utilized to calculate density which seems like double-dipping; Eichhorn suggested that if they receive credit for that wooded area, the density should be based on the 87 acres, with SF-3 max density at 2 units per acre; this can be addressed on the Primary Plat; Urbanski confirmed that the density is not a commitment to the rezone
- Brad Ballentine inquired about the relationship of the 146th St extension to this proposed development; Urbanski stated the original layout for the extension shows it going through this development, however that was not practical; there have been additional discussions regarding that and the SW Quadrant and some issues with that layout
- Tim Pritchard asked Cright about the plan for construction entrance/exit, and the concern for 600W; Cright said SR 38 would be the main access for construction traffic; it was noted that construction traffic needs to use 38 in order to limit heavy use on 600W
- Pritchard questioned Horton if they are satisfied with Carrick Glen, as prices have gone up a little; Phillips confirmed Horton is pleased and they have had positive feedback from home owners that they are happy to be in the community.
- Ballentine asked where the concrete trucks would be coming from during construction, I-69 or through downtown: Tuohy said, as the developer, they can control the flow of traffic and designate I-69 to be the access point

Public Comments / Questions

- Robin Brammer voiced concerns regarding bad Google reviews about Horton, the description of home types, why only 11 homes would be larger, lack of diversity in options, a perceived conflict with the Comprehensive Plan, the effect on the Pendleton Gateway from the west, the density and acreage differences with the wooded area and that it should not property tax payers responsibility, potential for cars parking on the

streets because of smaller lot sizes, and a lawsuit that Horton lost regarding repairs for homeowners.

- Barry Staldine expressed concern about headlights shining into his property, increased traffic on 600W, prefers more A2 lots, he also mentioned concern over home values, school capacity and that growth should enhance value, and he expects protection from the Town after being annexed in, and inflation rates in plan are outdated.
- Greg Valentine noted that he is the Green Township Trustee, he is proud of the homes in that area and has concerns about increased traffic on 600W because of the 11 lots and the effect on the sale price for his neighboring 6 acres, other concerns of water flow from the wooded area, width of the roads, emergency vehicle accessibility, street lights, 146th St extension, and school capacity
- Garry Brammer voiced the following concerns: presenting too much information in too short of time to make a decision, lack of developer transparency, net density versus gross density, cars parking on the streets, number of floor plans and lack of custom-built options, the Horton employees do not live in the Horton homes that they build, monitoring of the emergency entrance, heavy truck traffic with concrete loads traveling down 38 from 13 from the new concrete plant, the style of home is not executive style. Brammer said he wants a neighborhood, just not the proposed neighborhood.
- Brian Zigler asked where the parking for the wooded area would be if that were to be part of the Park; he voiced his concern with that because he lives right across the road and the access to 600W
- Bryon Stommel expressed concern about the retention ponds and the two nearby creeks that are already causing erosion near the property lines; not opposed to growth but concerned about his home value
- Mike Schliessman stated his opinion that he would like to see the houses in the 11 lots re-oriented to face out so as not to see backs of houses; expressed concern regarding turn lanes off of 38 and also the emergency access road
 - Scott Reske addressed methods of creating emergency roads that are built underneath the ground and are not visible as a road, yet the emergency and street departments know that those roads are there
- Becky Wilson stated she is a realtor and there is a huge demand for higher priced homes like theirs; they sell quickly and people stay there for years; Arbor and Horton homes are starter homes when people cannot afford the larger homes; Pendleton has enough of the starter homes, the need is for the next level of house and there is a shortage; when Pendleton people are ready for that next level, she has to take them to Carmel, Fishers and Noblesville and they leave Pendleton
- Doug Hine line said he lives adjacent to the development exit onto 600 and that this will basically suck no matter what, turning their beautiful, quiet, dark property into an on-ramp with headlights coming directly into their living room windows; he expressed appreciation to the Board for shooting down the recently proposed development in that area, and encouraged the Board to use their leverage to get what the community wants
- Bryan Reichard expressed concern because he lives just north of the development on 600 where 3-5 houses along the tree line would be looking right down on their property and backyard; open to growth but not open to people looking down on top of him and his backyard; hopes there would be a large berm with trees to break that up; has

concern about the investment in his property; he loves the area and Pendleton and hopes the Board takes their time and does not rush a decision

- Jett Ziegler stated concern about losing Pendleton's small hometown feeling and becoming like Fishers and Noblesville; people want custom homes on larger lots which helps create and keep the small town feel; implored the Board to help Pendleton grow in the right way; also of concern is the potential park and the undesirable activity that may happen there since it is farther out than the Park in town and lack of police monitoring that far out; there is a feeling of safety in their area and they don't want to lose that

Tim Pritchard thanked all those who made comments and Brian Tuohy for giving a thorough presentation. There are lots of unanswered questions and information needed, and the petitioners were taking lots of notes during the public comments. Of main concern:

- Density of the homes and the desire for custom homes. A subdivision seems to be the best fit for that land, however we want to make sure it's the right kind of subdivision
- Diversity and style of floor plans; would like to see more, larger variety, custom plans
- Brad Ballentine requested that price points should be adjusted for inflation over the last 3-5 years
- Jenny Sisson asked for expanded line of exterior products

Brian Tuohy requested time to huddle with Horton to address: floor plans, design, connectivity to 600W, drainage issues, price points and return to next PC meeting to answer these questions. Tuohy questions the practicality of getting the Foster Branch type homes next to Bane Welker and the 140-acre property with I-69 frontage. Tuohy requested another 30 days to digest the Board's and the Public's comments with commitments and designs to address most of these concerns.

Carol Hanna addressed the concern about the school's population; husband is President of the School Board and this information is pretty reliable. There are approximately 600 transfer students, which the school does to keep the population percentage of capacity at about 85% in order to support the schools properly. The number of transfer students can fluctuate based on the number of students in the district; it is a flexible number that the school corporation can control based on the population.

Jenny Sisson questioned the buffer on the rendering and why it did not extend further; Sisson stated she has been affected by a Horton home and an improper buffer against her property. Proper size berms and elevations need to be created to provide existing homeowners with privacy; this would need to be addressed in future meetings. Kyle Eichhorn pointed out the UDO now has an exact definition and criteria of how berm height is measured, which was not in place when Carrick Glen was approved.

Tim Pritchard requested a motion to continue this petition until the December meeting, addressing issues discussed and working with the Planning Department with any questions; motion made by Kyle Eichhorn, seconded by Brad Ballentine. Roll call vote taken and all members present voted in favor of the motion. Motion carried.

B. Review and vote on possible amendments to the UDO (documents available on Google Drive)

Hannahrose Urbanski presented amendments to the following categories:

- Window requirement; page 58, Table 3.1
- Mural materials in DB historic district; page 224 and 99

- Temporary storage units; page 115
- Condominium definition; page 216
- Traditional and Residential Core Conservancy Subdivision Style; page 147
- Max gross density for RC subdivision style; page 147
- RC subdivision bufferyards based on number of lots; page 85/86
- Traditional subdivision bufferyard; page 85/86 Table 3.12 and 3.13
- Dwelling definitions; page 217
- Attached SF homes; page 31/33
- Limit percentage of Attached SF within a subdivision (within chapter 5 subdivision styles); page 147/148/149
- Anti-monotony standards; page 62
- Exterior materials

Tim Pritchard requested a motion to approve the UDO amendments as discussed. Motion made by Kyle Eichhorn, seconded by Jenny Sisson. Roll call vote taken and all members present voted in favor of the motion. Motion carried.

VI. ADJOURNMENT

Meeting adjourned by Tim Pritchard at 10:08 pm.

Next meeting December 6, 2023 at 7:00 pm.