



MEETING NOTICE AND AGENDA ZIONSVILLE PLAN COMMISSION MEETING
Tuesday January 19, 2016

A meeting of the Zionsville Plan Commission is scheduled for Tuesday January 19, 2016 at 7:00 p.m. in the Beverly Harves Meeting Room at Zionsville Town Hall, 1100 West Oak Street. The following items are scheduled for consideration:

- I. Pledge of Allegiance
- II. Attendance
- III. Election/Appointment of 2016 Officers/Representatives
- IV. Approval of December 21, 2015 Meeting Minutes
- V. Continuance Requests
- VI. Continued Business

Docket Number	Name	Address of Project	Item to be Considered
2015-41-SP	Scannell Properties #152, LLC	10505 Bennett Parkway	<p>Petitioner requested a continuance to the February 16, 2016 Plan Commission Meeting Approved 6 in Favor 0 Opposed</p> <p>Petition for Secondary Plat approval in order to allow for a replat of Lot 4 of Ripberger Business Park, to provide for incorporation of 1.52 acres (being adjacent to lot 4's current boundaries) into lot 4</p>

New Business

Docket Number	Name	Address of Project	Item to be Considered
2015-42-DPA	Christ Church, the Lutheran Church of Zionsville, Inc.	600 N Ford Road	<p>Approved 6 in Favor 0 Opposed</p> <p>Petition for Development Plan Amendment to allow for a Columbarium to be installed on the parcel in the (SU-2) Urban Special Use Zoning District</p>
2015-43-RP	D. Berman	425 S 6 th Street	<p>Remonstrator is requesting a continuance to the February 16, 2016 Plan Commission Meeting Approved 6 in Favor 0 Opposed</p> <p>Petition for Replat of three (3) parcels, to be reconfigured into three (3) lots in the (R-V) Urban Residential Village Zoning District</p>

2016-01-OA	Town of Zionsville	1100 W Oak Street	<p>Given a Favorable Recommendation to the Town Council 6 in Favor 0 Opposed</p> <p>Petition to amend the Town of Zionsville Zoning Ordinance to include an amendment to Section 9.6 (Fee Schedule requirements related to building permit associated with Class II Structures and inspections of Class II Structures)</p>
2016-02-OA	Town of Zionsville	1100 W Oak Street	<p>Petitioner is requesting a continuance to the February 16, 2016 Plan Commission Meeting Approved 6 in Favor 0 Opposed</p> <p>Petition to amend the Town of Zionsville Ordinances specific to lighting requirements to permit the use of Light Emitting Diode (LED) lighting elements in addition to current permissible lighting elements within all Town Zoning Districts</p>

VII: Other matters to be considered:
 Status of Commitments-Docket # 2015-21-PP and 2015-22-DP Vonterra
 Status of Commitments-Docket # 2015-33-PP and 2015-34-DP Ansley

Respectfully Submitted:
 Wayne DeLong, AICP
 Director of Planning and Economic Development
 Town of Zionsville

January 20, 2016



Petition Number: 2015-42-DPA

Subject Site Address: 600 N Ford Road

Petitioner: Christ Church, the Lutheran Church of Zionsville, Inc.

Representative: Roger L. Burris

Request: Petition for Development Plan Amendment to allow for a Columbarium to be installed on the parcel in the (SU-2) Urban Special Use Zoning District

Current Zoning: (SU-2) Special Use Zoning District

Current Land Use: Religious Use

Approximate Acreage: 4.0 acres

Related Petitions: 2007-04-V - Variance
2007-11-DPA - Development Plan Amendment

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 – Site Location
Exhibit 4 – Landscape Plan
Exhibit 5 – Findings of Fact

Staff Reviewer: Wayne DeLong, AICP

PETITION HISTORY

This petition will receive a public hearing at the January 19, 2016 Plan Commission meeting.

In 2007, the applicant previously appeared before the Board of Zoning Appeals and received approval for a variance of height (51 feet, 4 inches) associated with a proposed addition.

In 2007, the Applicant appeared before the Plan Commission and received approval for a Development Plan Amendment in order to construct an 8,162 square foot to the existing Church facility.

PROPERTY HISTORY

The subject property is approximately 4.00 acres located on the west side of Ford Road.

PROJECT DESCRIPTION

As proposed, the site would be improved with hardsurfacing, plantings, and multiple four (4) foot three (3) inch tall vertical structures designed to store the ashes of deceased members of the Church. The improvement would be constructed on the southwest portion of the site (see Exhibit 4 for additional detail).

DEVELOPMENT PLAN REVIEW

Zoning Ordinance

The development plan has been reviewed using the standards of the Zionsville Zoning Ordinance (Ordinance) and found to be in compliance. Specific to square footage, it represents a very minor increase (approximately 200-300 square feet) in the terms of the creation of impervious surface. The project has been reviewed against the terms of the Zoning Ordinance and has been found to be in compliance.

FINDINGS

The Plan Commission shall hear, and approve or deny, Development Plans based on Findings of the Building Commissioner or Plan Commission. Per Section 4.3.C of the Ordinance the Plan Commission is to consider the following:

1. The Development Plan is compatible with surrounding land uses because:
2. The Development Plan **does** demonstrate availability and coordination of water, sanitary sewers, storm water drainage, and other utilities because:
3. The Development Plan **does** demonstrate the management of traffic in a manner that creates conditions favorable to health, safety, convenience and the harmonious development of the community because:

4. The Development Plan **does** utilize building materials and building style compatible with the Zionsville theme because:
5. The Development Plan **does** provide for the calculation of storm water runoff because:
6. The Development Plan **does** provide for current and future right-of-way dedications because:
7. The Development Plan **does** provide for building setback lines, coverage, and separation; vehicle and pedestrian circulation; parking; landscaping; recreation area or green space; outdoor lighting because:

Findings as submitted by the Petitioner are attached as part of this report.

STAFF RECOMMENDATION

Staff is recommending approval of the petition as filed.

RECOMMENDED MOTIONS

Development Plan Amendment Motion

I move that Docket #2016-42-DPA Development Plan Amendment approval for site improvements associated with 600 N Ford Road be (Approved based upon the findings in the staff report / Denied/ Continued) as presented.



Exhibit 2

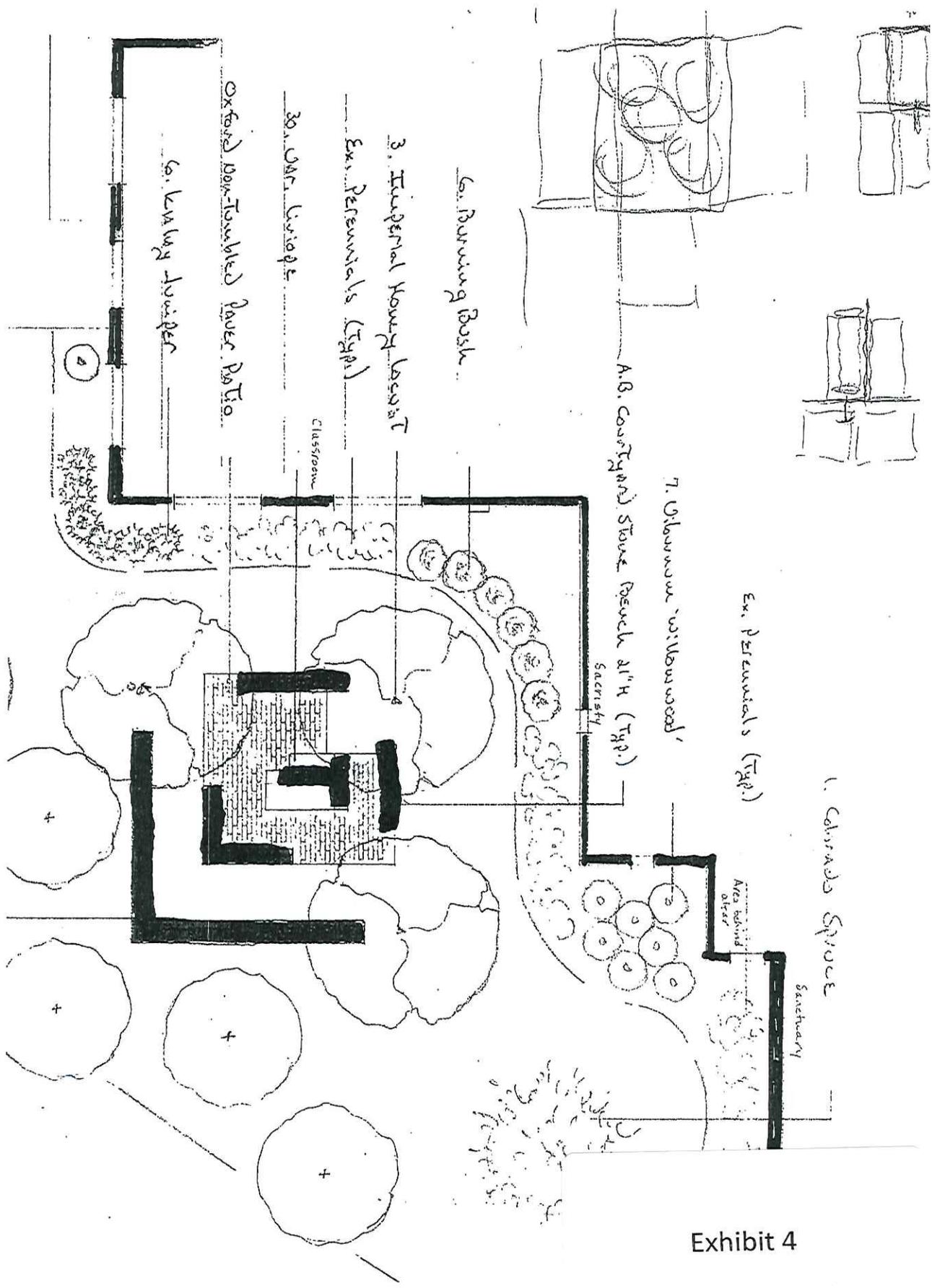


Exhibit 4

**TOWN OF ZIONSVILLE PLAN COMMISSION
BOONE COUNTY, INDIANA**

**PETITION FOR PLAN COMMISSION APPROVAL
OF A COLUMBARIUM DEVELOPMENT PLAN BY
*CHRIST CHURCH, THE LUTHERAN CHURCH OF ZIONSVILLE, INC.***

FINDINGS

1. The Development Plan is compatible with surrounding land uses because: the surrounding uses are single family residences and neighborhood common area. Church uses are generally compatible with residential uses. Christ Church has been in this location for many years without any complaints by the neighbors.
2. The Development Plan does demonstrate availability and coordination of water, sanitary sewers, storm water drainage, and other utilities because: All utilities have been on the site for years. The development plan does not impact storm water drainage or if it does, it is in compliance with Town standards.
3. The Development Plan does demonstrate the management of traffic in a manner that creates conditions favorable to health, safety, convenience and the harmonious development of the community because: Again, Christ Church has existed in this location for many years. The church does not anticipate any increase in traffic as a result of the columbarium addition.
4. The Development Plan does utilize building materials and building style compatible with the Zionsville theme because: the columbarium addition incorporates several features of classical design, it will significantly improve the existing building, with a combination of materials to achieve a harmonious blend between the addition and existing structure.
5. The Development Plan does provide for the calculation of storm water runoff because: Drainage calculations were approved in 2007 as meeting Town standards.
6. The Development Plan does provide for current and future right-of-way dedications because: According to Town staff, additional right-of-way is not anticipated for Ford Road.
7. The Development Plan does provide for building setback lines, coverage, and separation; vehicle and pedestrian circulation; parking; landscaping; recreation area or green space; outdoor lighting because: no additional parking or lighting is planned, and all of such items have been approved by the Plan Commission in the past.

DECISION

It is therefore the decision of this body that this Development Plan is APPROVED.

Adopted this ____ day of _____, 2016.



Petition Number: 2015-43-RP

Subject Site Address: 425 S 6th Street
Part of lot 59, plus lots 60, and 61, of Laughlin, Fouts and Hardin Addition

Petitioner: Woodrow and Evelyn H. Paris

Representative: Dave Berman

Request: Petition for Replat of three (3) parcels, to be reconfigured into three (3) lots in the (R-V) Urban Residential Village Zoning District

Current Zoning: (RV) Urban Special Residential Zoning District

Current Land Use: Residential/Undeveloped

Approximate Acreage: 0.59 acres

Related Petitions: None

Exhibits: Exhibit 1 – Staff Report
Exhibit 2 – Aerial Location Map
Exhibit 3 –Proposed Plat
Exhibit 4 – Engineer Review Letter
Exhibit 5 – Findings of Fact

Staff Reviewer: Wayne DeLong, AICP

PROJECT OVERVIEW

Project Location

The subject property is approximately 0.59 acres located on the north side of Starkey Road, at the intersection of 6th Street. A Single Family dwelling unit currently exists on the east parcel.

Project Description

The subject property is currently zoned (RV), Urban Special Residential Zoning District. The petitioner is requesting plat approval to split the current parcel into three (3) lots. The intention of the Petitioner is to create two new buildable sites.

MINOR PLAT REVIEW

Subdivision Control Ordinance

The subdivision plat has been reviewed using the standards of the Zionsville Subdivision Control Ordinance (SCO) and found to be in compliance (except as noted in this report).

Zoning Ordinance

The plat has been reviewed using the standards of the Zionsville Zoning Ordinance and found to be in compliance.

Street Access / Sidewalks

The plat approval requires the dedication of right of way and the establishment of appropriate easements, and provisions for the future construction of sidewalk conformance with Town standards (see waiver request).

Stormwater Management

All lots will utilize surface drainage to manage stormwater.

Utility Capacity / Utility Easements

Limited utilities are available to the site.

WAIVER REQUEST (SCO)

The petitioner is currently contemplating driveway locations being within 75 feet of the intersection. While not in compliance with Town standards, the proposed locations are supportable as the proposed locations for the new driveways are preferable to locations which may conform with Town standards. Further, the Petitioner is requesting to not install a pedestrian pathway. While a pedestrian pathway is not required, installation of sidewalk is an expectation of staff.

Waiver Process

The *Plan Commission* shall not approve waivers unless it shall make written findings based upon the evidence presented to it in each specific case that:

- A. The granting of the waiver will not be detrimental to the public safety, health or welfare, or injurious to other property;
- B. The conditions upon which the request for a waiver is based are unique to the property for which a waiver is sought and are not applicable generally to other property;
- C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
- D. The waiver will not contravene the provisions of the Zionsville Zoning Ordinance or the *Comprehensive Plan*; and,
- E. Where the waiver impacts on the design, construction or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing to the *Plan Commission*.

Findings are forthcoming as to the waiver requests and will be provided by the Petitioner at the hearing.

PUBLIC POLICY

Comprehensive Plan

The Proposed Land Use Map in the Zionsville Comprehensive Plan identifies the property as residential. The proposed subdivision is an appropriate land use consistent with the policies in the Comprehensive Plan.

Water and Septic

The property would utilize public water and sewer disposal systems.

STAFF COMMENTS

Staff recommends approval of the waiver request specific to the driveway locations.

Staff recommends denial of any waiver from the town's sidewalk location standards (staff would support a waiver from the standards regarding the installation of a pathway).

Staff recommends approving the petition as filed, with the provision that language be incorporated into the plat which indicates that a sidewalk, in conformance with Town requirements, will be constructed and installed at the expense of the lot owner.

RECOMMENDED MOTIONS

Minor Plat Motion

I move that Docket #2015-43-RP replat approval establishing a three (3) lot subdivision at 425 S. Sixth Street be (Approved based the findings provided by the Petitioner / Approved based on the recommendation of Staff / Denied/ Continued) as presented.

Note: the above Recommended Motion assumes receipt, review, and disposition of Findings of Fact associated with the proposed replat's requested waiver(s). In the event draft finding(s) are not available for the Plan Commission's review at the hearing, the Plan Commission will not be in a position to conclude its review of the proposed replat.

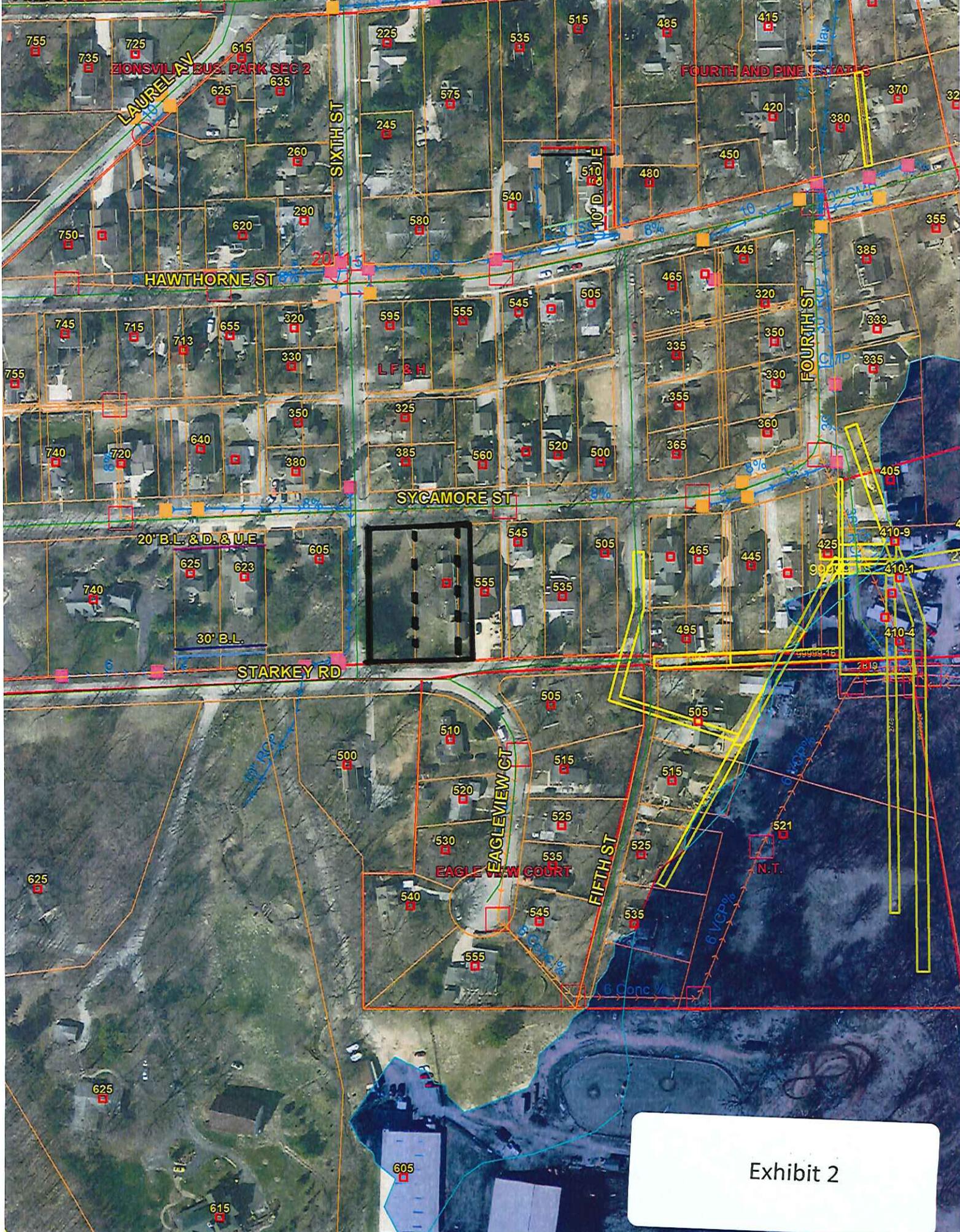


Exhibit 2



ZIONSVILLE

FOR ALL THE RIGHT REASONS

To: Wayne DeLong, Director of Planning and Economic Development
 From: Mark DeBruler, P.E., Town Engineer *md*
 Date: January 11, 2016

We have completed our review of the following submittal for the referenced project.

PROJECT DESCRIPTION

Project	Name	Sixth and Sycamore Estates Minor Plat	
	Location	425 S. Sixth Street Sixth Street Between Eagle View Court and Sycamore Street	
	Developer	Sigma Companies	
	Submittal	No. 2	
Documents Reviewed		Document Name	Document Date
		Primary Plat	December 15, 2015
Zoning	Current	R-V	
	Proposed	R-V	
Land Use	Current	Residential	
	Proposed	Residential	
Requested Variances			

Based on our review, we have developed the following list of items that do not appear to be consistent with the Town's standards or requirements:

I. PRIMARY PLAT

- A. Provide addresses for Lot 1 and Lot 2.
- B. It does not appear the required minimum 75' distance from a driveway to an intersection is provided for Lot 1 and Lot 2 where the proposed drives are indicated. Please obtain a waiver of this requirement for the indicated drive locations if they do not meet this standard.
- C. Please correct the misspellings in covenant paragraph 2 – change “distacnes form” to “distances from”.

**TOWN OF ZIONSVILLE PLAN COMMISSION
BOONE COUNTY, INDIANA**

FINDINGS OF FACT

The Town of Zionsville Plan Commission (the "Commission"), after a Public Hearing held on Monday Jan. 19, 2016 has determined that the Primary Plat is/is not in full compliance with all terms and provisions of the Town of Zionsville Subdivision Control Ordinance and the Town of Zionsville Zoning Ordinance.

The Town of Zionsville Plan Commission finds that:

- a. Adequate provisions have been made for regulation of minimum lot depth and minimum lot area;
- b. Adequate provisions have been made for the widths, grades, curves and coordination of subdivision public ways with current and planned public ways; and,
- c. Adequate provisions have been made for the extension of water, sewer, and other municipal services.

TOWN OF ZIONSVILLE PLAN COMMISSION

The Primary Plat was APPROVED/DENIED on the _____ day of _____, 20____, subject to any conditions agreed to at the public hearing and listed in the Letter of Grant.

President, Town of Zionsville Plan Commission

Zionsville Plan Commission

January 19, 2016

Call to Order

Pledge of Allegiance

In attendance: Allan Rachles, Kevin Schiferl, Jay Parks, Josh Fedor, David Franz, Larry Jones and Larry Mitchell. Roll was taken.

Staff attending: Wayne DeLong, Carol Sparks Drake, attorney.

A quorum is present.

Rachles I would like to call to order the January 19, 2016 meeting of the Zionsville Plan Commission, and we will start with the Pledge of Allegiance.

All Pledge of Allegiance.

Rachles The secretary will call the role.

DeLong Mr. Franz?

Franz Here.

DeLong Mr. Schiferl?

Schiferl Present.

DeLong Mr. Jones?

Jones Present.

DeLong Mr. Mitchell?

Mitchell Present.

DeLong Mr. Parks?

Parks Present

DeLong Mr. Rachles?

Rachles Present.

DeLong Mr. Fedor?

Fedor Present.

Rachles Okay. As we do every year, the first of the year, we have an election of officers, and I have two years left to go on my term, but this will be my last meeting. Can you hear me now? Can you? Can you hear me now? Yes or no? Okay, I'll speak louder. Well, I never did speak very well anyway, so, this will be my last meeting as I'm not going to serve out the last two years of my term. I've served for almost

25 years, and I think that is enough, and there will be some people, a few people in town, that will agree with me that that is enough. Hopefully, that is a minority, not a majority. I would like to nominate as my successor as president of the Plan Commission, Dave Franz. Is there a second?

Parks Second.

Rachles Are there any other nominations? Hearing none, the nominations are closed. All those in favor of Dave Franz as the new president of the Zionsville Plan Commission, please say aye.

All Aye.

Rachles Thank you. Dave, you are the new president, and before I let you take over, I want to say that the 25 years that I've served has been interesting and pleasurable. I've seen a lot of changes in this town. I've seen a lot of growth. Most of the growth, I think, has been intelligent. I'm well aware that there are two concerned viable citizen's groups in this town that have different views about the direction the growth of the town should take. I've always tried to take those people's views into consideration, and I hope that will happen in the future. I want to thank very much our secretary, Wayne, and our attorney, Carol, for all the help that they've provided over the last couple of years. I want to thank everybody on the Commission that I've worked with. It has been the best Commission that I've ever served with. They do a good job. I think they'll continue to do a good job. And, having said that, I'm going to turn the gavel over to your new president, Dave Franz. Thank you.

Franz I've got some big shoes to fill, people. I want to thank Allan for his service. I really appreciate his confidence in me, and I just hope that I can do half the job that he's done in his time on the Commission. So, once again, thank you, Allan.

Rachles Good luck.

Franz We need an election for a vice president. Do we have a nomination for a vice president of the Commission? I'll nominate Jay Parks.

Schiferl Second.

Franz Is there any other nomination? Being none, all in favor.

All Aye.

Franz Opposed? None. Jay, congratulations, again.

Parks And, I think, Mr. President, we also need to affirm the nomination on the secretary, and for that, I nominate Wayne DeLong to continue in that role.

Franz Is there a second?

Mitchell Second.

Zionsville Plan Commission
January 19, 2016

Franz All in favor.

All Aye.

Franz All right. Congratulations, Wayne. Do we need to appoint the BZA? Is that through a nomination process? Okay, would nomination for a BZA representative from the Plan Commission.

Parks I nominate Larry Jones to continue as our representative on the BZA.

Schiferl I would second.

Franz All in favor.

All Aye.

Franz Opposed? None. Congratulations. Is that it for the elections? Okay, good. In your package you have a set of minutes from the last meeting. Are there any corrections or modifications to those minutes? Being none, is there a motion to approve the minutes?

Parks So moved.

Mitchell Second.

Franz All in favor.

All Aye.

Franz Opposed? Passes. We've got some continuance requests. Docket #2015-41-SP, Scannell Properties, #152, LLC, petition for a Secondary Plat approval. Wayne, do you have any comments on this?

DeLong We certainly want to hear from the petitioner's agent to speak to you about their request that is in front of you.

Franz Oh, sorry. Okay. I'm new to this, sorry.

Smith Thank you, Mr. President. My name is Mike Smith, I'm with American Structurepoint. I'm here representing Scannell Properties #152 this evening. They have asked for a request for a continuance to the February meeting for Docket #2015-41-SP.

Franz Are there any questions from the Commission? Wayne, do you have any comments?

DeLong No, staff has no objection to the request.

Franz Okay. Is there a motion?

Parks I would move that this docket be continued to our February 16 meeting date.

Zionsville Plan Commission
January 19, 2016

Franz Second?

Mitchell Second.

Franz All in favor.

All Aye.

Franz Opposed? You have the continuance.

Smith Thank you, Mr. President.

Franz Okay. Next one is new business, Docket #2015-42-DPA, Christ Church, the Lutheran Church.

DeLong Mr. Franz, we do want to touch on a few other matters that are on your docket.

Franz Okay.

DeLong Since staff is speaking currently, 2016-02-OA, which is a request that is in front of you related to the staff working with the town ordinances to amend the lighting portion of the ordinance. Staff would request a continuance to the February 16, 2016 meeting. We're simply looking for additional opportunities for input, to receive input from different town resources specific to those amendments.

Franz Okay.

Schiferl I would move to continue #2016-02-OA at the request of staff.

Parks Second.

Franz All in favor.

Schiferl To the February 16, 2016 meeting. Thank you, Carol.

Parks And, I would second that.

Franz Okay. All in favor.

All Aye.

Franz Opposed?

DeLong Thank you.

Franz Also, we have a continuance request by a remonstrator of Docket #2015-43-RP, D. Berman. Address of project 425 South 6th Street for replat of 3 parcels.

DeLong I can speak to this. This is a request, if you will, an automatic continuance. It was filed in a timely manner by a remonstrator. I believe the petitioner is here this evening. If there is anything that would like to be spoken to by the petitioner or if the Plan Commission has any questions.

Franz Would the petitioner like to come forward? Please state your name and your address please.

Althouse My name is Nathan Althouse with Miller Surveying. Office is located at 948 Conner Street, Noblesville, Indiana. So, I know the remonstrator has asked for a continuance. I guess, Wayne, then I go through the process of telling you what we're trying to do and go through the whole thing?

DeLong Not at this point. Since the request was timely filed, the rules of procedure say the Plan Commission shall continue the petition to the next available meeting, which is the date in February.

Althouse Okay. We have, if you look at the, I've got one question, I guess, I'm not for sure. If you look at the staff report, we're asking for a waiver of the multi-use path, and we're contemplating a waiver of the 75-foot distance between the drive and the intersection. And, if we ask for that waiver, can we file that as this is given notice for that waiver for the 75 feet to be reduced to 55 feet?

Franz Is this an acceptable--

Drake No. If you want one or both of those waivers, you need to republish because no one would be here tonight with notice concerning those waivers.

Althouse Right, we published the one. Right. Okay.

Drake I did not recall either of the waivers being in your public notice.

Althouse Okay. I thought, okay, all right. Well, we can publish them. That is fine.

DeLong Well, I think what we found is that the notice, the word waiver is used, but it does not specifically describe what's being requested. It just puts the folks on notice that a waiver is requested.

Althouse Right.

DeLong Or waivers, I think there is an 's' behind it.

Althouse Gotcha.

Jones So, Wayne, are they asking for a variance?

DeLong No, these are waiver requests that are very common and associated with platting actions. So, this is just a waiver that would be heard in the future at the hearing in February. And, these waivers are associated with development standards that are found within the subdivision control ordinance, which the Plan Commission has jurisdiction over to grant waivers of.

- Franz I do not think we need any further discussion.
- Parks Well, I would move that the continuance request for Petition #2015-43-RP be granted with the continuing the hearing until our meeting of February 16, 2016.
- Franz Is there a second?
- Mitchell Second.
- Franz In favor.
- Drake I would recommend that you include in that the requirement to republish notice, as well as redo the adjacent property owner notice if, in fact, the petitioner desires any waivers.
- Parks I would include that in the motion.
- Drake Thank you.
- Franz Does the second accept that?
- Mitchell I do.
- Franz All in favor.
- All Aye.
- Franz Opposed? Passes. All right. Okay, so, new business. Docket #2015-42-DPA, Christ Church, the Lutheran Church of Zionsville, 600 N. Ford Road. Petition for plan amendment to allow for Columbarium to be installed in the parcel on the SU-2, Urban Special Use Zoning District. Please state your name and your address, please.
- Burrus Good evening. My name is Roger Burrus. I'm an attorney with offices at 410 West Oak Street in Zionsville, and I'm here on behalf of Christ Church, which also happens to be my church. I've been a member of Christ Church since it started in 1984, so I have a long history with Christ Church, and know its background very well. I've represented Christ Church in its previous development plans. This will be the fourth time I've been here, been before you for Christ Church, because their property at 600 North Ford Road is where they built, I can't remember the exact year, but then they had a second addition that was educational space. Then, in 2007, is the one I remember the best because it is not that long ago, and that was a significant addition with a new sanctuary. So, we went through quite a bit of work presenting that to you and that was approved and we feel that it was an excellent addition to our property and has served the congregation quite well. Tonight, I'm here to tell you about our next project, which is a Columbarium. And, for those of you that are not familiar with that, it is basically an outdoor landscaped area. It is, more or less, like a patio, but it has some wall structures that would have one foot by one foot spaces, I mean, kind of like, something like this where you would have, this would be divided into, like,

four shelves and those shelves can be purchased by people in order to store the ashes of deceased people, you know, cremated remains. And, so this has been kind of a learning process for me, because I wasn't all that familiar with Columbariums. I do not think your staff was either. So, we've had several discussions about, you know, what sort of zoning rules apply and what's required. But, bottom line is, it is basically a landscaped patio with some walls. These walls would not be that tall, and they would have brass face plates. I included some information in the packets about the face plates, because those will be kind of neat. And, the plans that you see, which look something like this, maybe not as fancy because this was colored, were prepared by Jeff Butz, who is also a member of Christ Church and a local landscape architect. So, he's a landscape architect, and so, this will be designed to blend in with the property to really not draw any attention to the area. It is more or less a place where people might hang out and just enjoy this area outside, and I think it would be a welcome addition to the property. So, development plan amendment is required. I think the only question that came up that I asked Mr. Butz about was drainage, and he says that with the small amount of impervious surfaces that will be added, it should not impact the drainage whatsoever. Back in 2007, we went through a pretty extensive drainage analysis in order to make sure that that project would not have any adverse impact, or that we would be able to accommodate the additional drainage, which we have. And, actually, where this Columbarium is going to be located is on the south side of our building where it is not going to be really very visible to most people driving by because directly to the south of that is the Village Walk retention pond, which is where a lot of the drainage in the area goes before it goes under Ford Road, but that is a situation that I'd rather not talk about. So, we've submitted notices and I think we're in compliance with the ordinance. The staff report didn't raise any significant questions, so I'd be happy to answer questions. I'm sure you'll want to see if there is anyone here who would also like to speak, if you have any questions. But, the particulars of the project, there are two other members of the congregation here, Joanne Tuffnell and Margie Kilges are here with me, so, if I can't answer the question, they probably can. So, I think that is it.

Franz All right. Thank you. Are there any members of the public who'd like to make a comment regarding this?

Lance Hello. My name is Bill Lance. My address is 1439 Lancaster Lane. That puts my property adjacent to the back parking lot of the Lutheran Church, Christ Church. So, I received my notice concerning this. I just had, really, a couple of questions. First of all, I appreciate the description of a Columbarium and avoiding the word Cemetery, because, technically, from what I can find out in my brief search today, that is what it is. As far as I can see, under Indiana state law, it is a Cemetery, it is listed Cemeteries, Mausoleums and Columbariums are all listed together. They are all listed as code in the Zionsville zoning, aren't they coded together as part of the zoning together?

DeLong Certainly as stand-alone uses and not associated with another type of use, certainly a Cemetery, Mortuary, those types of land uses are a separate land use, sure.

Lance Okay. Because, according to that then, it was, from what I saw, was the Zionsville Ordinance was listing that those items were required to be in agricultural or industrial. I understand that Christ Church is a Special Use, so that comes under a special consideration and all, so my question is, when I look at it 360 degrees around Christ Church is residential. It is all residential around there. There is no agricultural. There is no industrial. There is no commercial. There is nothing of that sort around, and anywhere around this, so, really, even though it is special use, and it does apply there, it is not like a church that is behind Boone Village Shopping Center or something that is abutting an industrial area that would be affected in a similar way. This is being put in in an area that is around a residential area. It is next to a retention pond which is still a retention pond that has been landscaped and re-renovated by the Village Walk community as a whole to be redone in the Eagle Creek water conservancy to match that to drainage conditions, and so forth, to make it more natural and make it part of more of a visual instead of just green grass growing right up to a little pond. It is set up to be more of a natural situation and everything. And, now, we do have the building in the background, it does kind of come into the question of, what do we have? My last concern is, as my property does back up to their parking lot, they do have a double parking lot. They have a parking lot in the front of the building and in the back of the building. I wasn't sure, based on the plans, what the easiest access will be, but so, if the easier access to this area is to park in the back area, that will increase the traffic for people pulling in and visiting their loved ones by coming and driving in the back area where all the houses are located. So, when you do make your consideration, please do consider that it is in a residential area, it is not in an industrial or agricultural area, and it still is a cemetery, whether it is connected to a church. Well, actually, is it a cemetery or what is the one that is attached to a church, it is a graveyard? There is a different phrase for one that is attached to a church. A cemetery and, I think it is a graveyard, or something. One's a stand alone and one isn't. But, it still is a repository for deceased people and it is in the middle of a residential area. So, whether it is attached to a church or not, it still is that item and it should follow the ordinance. Thank you.

Franz Any other public comment before petitioner has a chance to respond? Would the petitioner like to respond?

Burrus Mr. Lance does bring up a good question about whether the use is a cemetery or not, because that is what Wayne asked me to look into when I first talked to him about it. What I concluded, and I think what Wayne agreed with, was that certainly you can't establish a Columbarium aside without a church unless it is with a cemetery. And, the ordinance does talk about Columbariums being part of a cemetery, but it specifically says that a Columbarium within a cemetery. That is not the exact language, but that is basically what it means. So, my position, and I also talked with the architect who did the 2007 design for Christ Church to see what his experiences had been, and that was Woollen Molzan architects who had significant experience with churches and, like, the Marion County Public Library. And, he said that, in his experience, well, first of all, if the Columbarium would have been proposed, I think, as part of the 2007 plans, there would not have been any separate approval required. It would have been just part of the landscaping. And, when you think about how it looks, I mean, it really doesn't look much different than a landscaped patio that some people have outside their house. So, from the standpoint of whether it is consistent with the residential use,

I think it is because, you know, certainly people can have brick or stone walls as part of their landscaping. So, from that standpoint, it really would not look much different than that. Getting back to whether a Columbarium is a cemetery use, my conclusion from talking with the architect and reviewing the Zionsville ordinance was that for a church to have a Columbarium, it is an accessory use to the religious use. Certainly, the tradition has been that many times there were cemeteries built next door to a church, or across the street, or wherever the church had land to put a cemetery. But, I think Columbariums are becoming more common, given that cremation is becoming more common. In fact, there was some nonlegal research I learned that the U.S. government, the Veteran's Administration recently purchased 14 acres in Crown Hill Cemetery in order to create a Columbarium there, which obviously would be in a cemetery. But, they are expecting to eventually have something like 25,000 of these niches for cremated remains. The Christ Church project would be 24 niches, maybe as many as 36 in the future, so we do not think that is going to be all that significant in terms of the space. I mean, 200 to 300 square feet of outdoor space is all that this is going to take up. And, another situation that is in Zionsville is St. Francis In-The-Fields Episcopal church has a small Columbarium just outside their sanctuary, kind of like what we're proposing. I asked their pastor and I asked their architect, who is the same architect that we use, what sort of approval for that and he said, to his recollection, there was no separate approval required for it. And, that is what the architect said about Columbariums at churches in general, was that, in his experience, which is certainly more extensive than mine with this sort of thing, that he'd never seen any special approval required for a Columbarium that is attached to a church project. Also addressing Mr. Lance's questions in terms of parking, we do not expect there to be any significant additional parking. I think people could park in our front parking lot or our back parking lot if they specifically wanted to go to the Columbarium, but we do not think it would be typically at times when either there is not something else going on at church or, I mean, it is not like, we're not expecting there to be any large groups of people coming just for the Columbarium. It is more of a quiet place where people would probably come in small groups to just reminisce. So, looking at the map, I see that Mr. Lance backs up to our property on the north side, pretty close to Ford Road. So, I really do not think that, I mean, this is on the opposite, clear across on the other side of our building from where he lives, so he would not be able to see it at all. And, the closest property, certainly, is Village Walk Homeowner's Association common areas, and I did send notice to the homeowner's association. I've heard nothing from them, or from anybody else prior to tonight. Also, there will be access to the Columbarium from inside the church. I mean, there is already a door to access it, so I think, most commonly, people would probably access it from there, which is the same as at St. Francis In-The-Fields Episcopal church. So, I think that we've met the requirements for a development plan amendment. I'm not sure that there is anything more that we could do to make it any better. So, I'm happy to answer further questions, or talk about anything that I missed. Thank you.

Franz Before I turn it over to staff with their comments, is there any additional public comment? There being none. Wayne?

DeLong Thank you, Mr. Franz, members of the Plan Commission. Staff is recommending approval of the petition, and as the petitioner's representative indicated, we did

have a pretty lengthy discussion about land use, zoning, and certainly, prior actions by the Plan Commission specific to the proposed use that is being considered this evening. Certainly, items that have been approved, either by permit, by some other action of the town, or certainly by the Plan Commission. And, researching the proposed use, we found it to be customarily associated with religious uses throughout central Indiana. Certainly, it is not something that occurs on great regularity, as there are many options to provide for different types of burial. With that in mind, again, staff recognizes this as a customarily associated appurtenance, if you will, to the religious use of the property. Again, staff is recommending approval, and I'd be happy to answer any questions.

Franz Anybody on the Commission have any questions?

Jones Sure, I do. Just one more reason to cause myself to get hit by a lightning bolt, but, I understand that a Columbarium established as part of a cemetery follows suit. It is the interment of ashes versus somebody being buried in a cemetery, but the underlying premise is that the land or site has been zoned as a cemetery. And, cemeteries are somewhat permanent. I had a little experience with this, years ago with a client who entertained the idea of having a child interred on their private property and that caused a certain amount of conversation to be held about whether or not that could be done. My concern is that once you do this, that becomes somewhat of a permanent feature. The church can get scraped off and the site can get redeveloped, but people are a little bit less than eager to do the same with a cemetery or anyplace that someone is buried. So, I guess my comment is, is that I would not actually view this as a traditional, I guess, an extension of a religious use. It is a substantially different use of the site to have it used as a Cemetery, Mausoleum or Columbarium, is what we're calling it. I know the number of people is fairly limited, but, you know, the extension to me, I can see how it goes from Cemetery to Mausoleum to Columbarium. But, to start at the Columbarium and work back to religious use is a little bit of a stretch.

Schiferl I guess I would respectfully disagree. I mean, it is, it would be akin to suggesting that the baptismal fonts are pools, and that baptismal fonts to pools to waterparks. I think it is a slippery slope argument and I can't imagine why you would not attach the religious use to it. My comment is, in looking at, and to Mr. Lance's comment, I was pointing out, it looked to me to be totally opposite where your property was. In fact, on the other side of the church, and all of us have the benefit of a very nice landscaped area right by the brand new roundabout at Ford Road, and this looks very similar to that park that exists right there across from the American Legion. And, if that is what we're going to get, I do not see what the uprise would be about it. It seems to be very much in check with that, and as I understand it, and Mr. Burrus explained that these would be like drawers that would be there, that are covered by some stone or something.

Burrus Right. They are basically compartments, and then, once the ashes are put in there, then there is, like, a brass plate that goes over it. And, responding to another comment of Mr. Jones is that, I mean, if the church ever moved elsewhere, if they relocated at some point in the future, I would think that they'd have to make provision to take their Columbarium with them, because it would not be appropriate, you know, to the people who have placed their loved one's ashes there to then be left without the church to manage it. And, another thought was

that, I mean, I could see, I haven't researched this, but it might be appropriate to have a limit to the size of a Columbarium as an accessory use to a church by ordinance, but certainly that is not on your books at this point, and it has been done before in Zionsville, so, I think it is appropriate.

Parks Well, if you were to expand it, you would have to come back for additional approval anyway.

Burrus Yes.

Parks So, you know, by definition, you're locked into the size which you have proposed.

Burrus That is true.

Franz Public comments have been closed, but I'll let you speak for a very short time.

Lance Okay. My research was from the state Board of Funeral and Cemetery service. It is a listing on the Indiana laws and so forth, and it does say that you're required that if the church would move that they would be required to move the Columbarium as appropriately, so it does not fall into a permanent situation.

Franz All right. Thank you.

Jones Thank you very much.

Mitchell I've got a quick question for the petitioner's representative. Maybe more out of curiosity for my knowledge, does it require some kind of bonding or anything for perpetual care to be put in place? I thought cemeteries had to have some kind of bonding to make sure that there was perpetual money for them to be cared for if the church went bankrupt it was gone.

Burrus That is a good question. I'm not aware of any requirement for that. I know from the standpoint of churches that fail, my wife worked for 15 years as the director of communications, not all 15 years, but she worked in the Senate office for the ELCA Lutheran church for Indiana and Kentucky, and they deal with closing churches all the time. I mean, she's well aware of this project and she didn't say anything about that, but I know that many times in the case of the Lutheran church, you know, because it is part of a bigger organization, a worldwide organization, that when one of its congregations goes under, there is a hierarchy that deals with those sorts of issues, like the property issues, what happens to the building once the church has folded. So, my guess is that it would not require anything like that. But a more valid concern, I think, in a nondenominational church where they do not answer to a greater organizational structure, so, good point.

Mitchell Okay, then my only other question is, will there be funeral services held?

Burrus If so, I think it would only be where there is a funeral inside the church. I mean, we won't be having funeral services outside. So, from that standpoint, the most I could see would be kind of like when there is a burial of a body where some

people go to the cemetery in order to have a graveside service. Again, it is not the same when you're dealing with an urn full of ashes, but I suppose if somebody really wanted to do that, you know, they could have a small gathering at the Columbarium to put the urn into the cavity, but I'd be surprised if that happened very often. Certainly not something I would do myself.

Fedor I had one question on lighting on this, I didn't see where you guys are putting lighting into it, but is there any lighting that covers this? It looks like the back side of the church. Is there some security lighting around the back side of there?

Burrus Well, I could get out my plans from 2007. I mean, whatever is there is there, and we're not planning to add any new lighting as a result of the Columbarium.

Franz Aside from St. Francis In-The-Field, do you know of any other Columbariums in the Zionsville area?

Burrus Not in Zionsville. I know there is one at a Catholic church on the south side, down by Greenwood. Oh, yeah, there is one at the Episcopal Church in Carmel. That is also one that my architect was familiar with.

Franz Are there any further questions? Comments? Do we have a motion?

Parks I move that Docket #2015-42-DPA, Development Plan Amendment approval for site improvements associated with 600 North Ford Road be approved based upon the findings in the staff report as presented.

Schiferl Second.

Franz All in favor.

All Aye.

Franz Opposed? None. Passes. Congratulations.

Burrus Thank you.

Mason I'm sorry. I do not know your procedures, and I apologize. I understand that it is passed, but I just wanted to bring up as a ---

Jones Name?

Mason I'm sorry?

Franz We need your name and address please.

Mason Oh, I apologize. Jackie Mason, 1449 Lancaster Lane, Zionsville, Indiana 46077-3814. Will this set a precedent since there are no others in terms of the zoning ordinance? That is just for you to think about, because I think you've passed this so it doesn't matter. But, if any other church now comes and wants to do the same thing, then it will have been already considered as approved by the committee as not requiring a zoning variance. Secondly, if you're considering

this a cemetery, keep in mind now that whether this gives the church the right then to also add a different type, like a cemetery, where you bury bodies. Just for your future reference. And, also, whether or not there are other things that will come from this as it being a precedent set for determining this type of understanding. And, I do not know whether the Columbarium, pardon my pronunciation, at St. Francis of the Field, is that close to residential? And, then this is actually--

Franz You should have brought this up during public comment, instead of right now.

Mason And, I did not realize the procedures. So, I apologize. I just wanted to bring it up because it probably will come up for you later.

Franz We'll deal with it at that time and make sure it is similar in fashion.

Mason Okay. And, I appreciate it. Thank you for your patience.

Franz Thank you. Next on the docket is #2016-01-OA, Town of Zionsville, petition to amend the Town of Zionsville's Zoning Ordinance to include amendment to Section 9.6, fee schedule requirements related to building permits associated with Class II structures, inspections of Class II structures. Wayne, I'm assuming you're handling this one?

DeLong Yes, thank you. This is, I'd say, about 18 months ago you considered an amendment to the fee schedule and it was a very large overhaul where the ordinance had not been updated for a number of years. And, certainly, as practice went at that time, the staff, creatively if you will, found a way to still issue permits for small accessory buildings, while classifying them under, basically, what you would call a residential other. And, it was simply the action and reaction of staff historically to do that, and to continue to do that, because these types of buildings generally do not require any vigorous inspections. It is something that a kit that is purchased, brought to the property, may be in one piece, installed and the setbacks are double checked by staff and that concludes the level of involvement with the project and, certainly, the fee that was charged with the residential other. Staff felt that was reflective of the effort of the town and was well balanced with the request. Certainly, that is not very clear in the ordinance to follow that type of procedure, so therefore, staff is bringing and asking for suggestions and conversations internally, and externally about this particular conversation. Staff brings to you this evening a proposed amendment to write in, in essence, what the staff has looked to provide for and what's encouraged by the staff to consider, which is language that defines what a large accessory building is, specific to the fee that is associated with this permitting, and what a detached accessory building small is associated with it is a fee for its permits. So, basically, what this does is it provides for almost verbatim what staff has been doing for years.

Franz Okay. are there any questions by the Commission? So, this is making a motion to Town Council to adopt?

DeLong Correct. This will be a recommendation to the Town Council for their consideration. This is an amendment to the Zoning Ordinance, and since this is

an amendment to the fee schedule, this item requires an advertisement, and quite a lengthy delay period until eventual adoption, I believe it is 90 days, but certainly, whatever we are doing, we'll follow state code.

Franz Is there a motion?

Schiferl I have a motion I guess I can make. I just have a question. Wayne, first of all, I know a little bit about this and I thank you for this change. Where in the, maybe I'm missing it in Article 9, but where is the fee schedule with regard to when people do not apply for permits and it is quintupled? Wasn't that in the fee schedule before, because I do not see it here? Oh, I just found it. It is in the alternative fee, third to last page.

DeLong Correct.

Schiferl And, that remains unchanged?

DeLong Oh, certainly.

Schiferl Okay. I would move to send to town council, is that right?

DeLong Correct.

Schiferl I would move to send to town council for approval #2016-01-OA, on the fee schedule amendment for C class II spec structures.

Jones Second.

Franz Second and third. All in favor?

All Aye.

Franz Opposed? None. So passes. A couple more items, the status of the commitments on Docket #2015-21-PP and Docket #2015-22-DP, Vonterra.

Drake I can speak to Vonterra. We have received draft commitments from the petitioner's counsel, Michael Andreoli, and as much of those commitments related to negotiations with the Park Board, we are awaiting Mr. Burrus's input in order to get back and incorporate our changes in those as well as Mr. Burrus's. So, we have received them since last month, and they are a work in progress.

Franz Okay. Do you expect those to be wrapped up by next month?

Drake We do.

Franz Okay. Thank you. And, then on the status of the commitments for Docket #2015-33-PP and #2015-34-DP, Ansley.

DeLong I know that we're still working on the commitments. I'm seeing some information here that looks as if another party is stepping in to assist in

Zionsville Plan Commission
January 19, 2016

facilitating providing those for review and recordation, but those are still in process at this time.

Franz Okay, thanks. Any other business to hear? Being none, can I have a motion to adjourn?

Parks So moved.

Fedor Second.

Franz We're adjourned.